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1915

Commonwealth of Massachusetts

# MANUAL OF THE LABOR LAWS

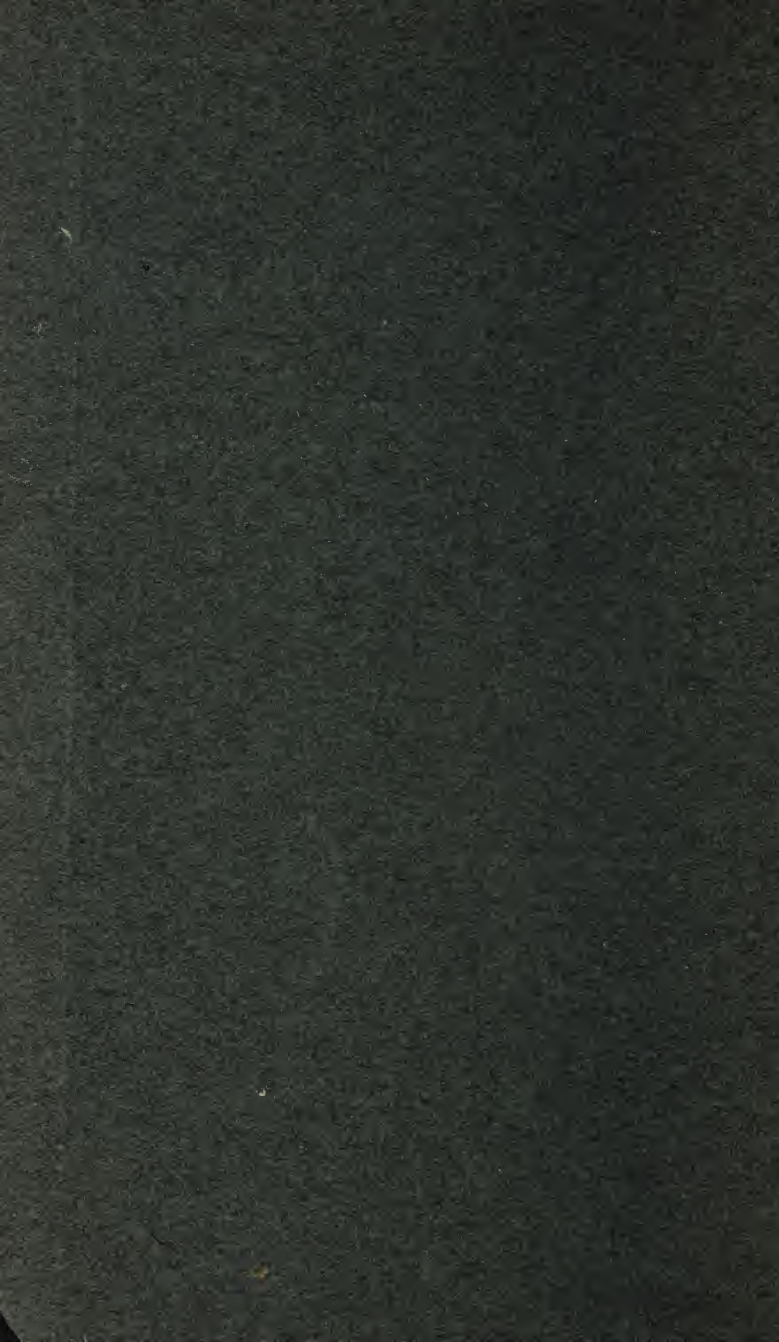
ENFORCED BY  
STATE BOARD OF LABOR AND INDUSTRIES  
1 BEACON STREET  
BOSTON, MASS.

JUNE, 1915



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## STATE BOARD OF LABOR AND INDUSTRIES.

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JAMES A. DONOVAN.

MRS. DAVIS R. DEWEY.

DR. ALFRED H. QUESSY.

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EDWIN MULREADY,  
*Commissioner of Labor.*

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CORNELIUS J. CARMODY,  
*Deputy Commissioner (Labor).*

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THOMAS F. HARRINGTON, M.D.,  
*Deputy Commissioner (Medical).*

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### MAIN OFFICE.

1 Beacon Street, Boston, Mass.

### BRANCH OFFICES.

406 Globe Building, Fall River, Mass.

520 Bay State Building, Lawrence, Mass.

New Kimball Building, North Adams, Mass.

21 Besse Place, Springfield, Mass.

405 Slater Building, Worcester, Mass.



## PREFACE.

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This manual is published for the convenience of persons connected with or interested in the work of the State Board of Labor and Industries.

In order to state concisely the laws enforced by this Board, it has been thought best to publish the latest enactments concerning the different features of the work, merely giving reference to the laws which have been amended by such enactments. It is intended to be a complete statement of the labor laws as affecting this department, including the laws enacted by the General Court for the year 1915. The headlines and the sectional headings printed in bold type are not a part of the law, but are used to facilitate easy reference.

It should be understood that this manual deals only with those laws which directly or indirectly come within the jurisdiction of the State Board of Labor and Industries.

EDWIN MULREADY,  
*Commissioner of Labor.*

JUNE, 1915.



# MANUAL OF THE LABOR LAWS.

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## STATE BOARD OF LABOR AND INDUSTRIES.

Acts of 1912, Chapter 726.

**Appointment.** — SECTION 1. There is hereby established a state board of labor and industries to be composed of five persons who shall be appointed by the governor, with the advice and consent of the council. The terms of office of the members of the board shall be five years, except that when first appointed one of the members shall be appointed for four years, one for three years, one for two years, and one for one year, the member at that time appointed for five years to be chairman. Thereafter a member shall be appointed each year, for a term of five years. One member of the board shall be an employer of labor, one a wage-earner, one a physician or a sanitary engineer, and at least one a woman. The governor, with the advice and consent of the council, shall have power to fill by appointment for the unexpired term any vacancy that may occur in the board.

**Commissioner of Labor.** — SECTION 2. There shall be a commissioner of labor, who shall be appointed by the board. He shall serve for such term as the board may determine, and may be removed at any time by the board by vote of a majority of its members. Upon such removal a statement of reasons therefor shall be filed by the board with the governor. The commissioner of labor shall devote all his time to the affairs of the board, under its direction.

**Salaries, Expenses, Offices.** — SECTION 3. The salary of the chairman of the board shall be fifteen hundred dollars a year, and the salaries of each of the other members of the board shall be one thousand dollars a year. The salary of the commissioner of labor shall be determined by the board, and shall not be less

than five thousand nor more than seventy-five hundred dollars a year. The board may incur other necessary expenses for carrying out the provisions of this act, not exceeding the annual appropriation therefor. It shall be provided with offices in the state house or in some other suitable building in the city of Boston, and elsewhere in the commonwealth if approved by the governor and council.

**Investigation.** — SECTION 4. The board may investigate the conditions existing in any line of industry carried on by inhabitants of the commonwealth, and such investigations may be extended outside of the commonwealth to procure information for the promotion of industrial development or the improvement of industrial conditions. The board shall receive all complaints concerning conditions existing in any industry carried on by inhabitants of the commonwealth, or concerning alleged violations of any laws enforced under its direction, and shall thereupon make or direct all needful and appropriate investigations and prosecutions. It may employ experts or other necessary assistants to aid in the performance of any duty imposed upon it by law. It may make rules not inconsistent with existing law for carrying out the provisions of this act.

**Enforcement of Laws.** — SECTION 5. All powers and duties with reference to the enforcement of laws relating to labor and the employment thereof, the inspection and licensing of buildings or parts of buildings used for industrial purposes, the inspection and licensing of the workers therein and of all other industrial employees within the commonwealth, the enforcement of laws relating to the employment of women and minors, and the institution of proceedings in prosecution of violations of any of the said laws, now conferred or imposed by law upon the state board of health or state inspectors of health, or upon the chief of the district police, the inspectors of factories and public buildings of the district police, or the inspection department of the district police, or the deputy chief of the inspection department of the district police, with the exception of such duties and powers as are now imposed by law upon the chief inspector of boilers or the boiler inspectors of the district police, and with the further exception of such powers and duties as relate to the inspection of



buildings under erection, alteration or repair, are hereby transferred to the state board of labor and industries. Said board may delegate to such commissioner, deputy commissioners or inspectors as are under its direction such of the above powers as it may deem necessary to carry out the provisions of this act.

Buildings used for industrial purposes under the meaning of this act shall include factories, workshops, bakeries, mechanical establishments, laundries, foundries, tenement-house workrooms, all other buildings or parts of buildings in which manufacturing is carried on, and mercantile establishments as defined in section seventeen of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine.

SECTION 6. Nothing in this act shall be construed to prevent the state inspectors of health from entering buildings used for industrial purposes when required by their duty to protect the health of the community, especially as prescribed by section three of chapter five hundred and thirty-seven of the acts of the year nineteen hundred and seven, except that the duty therein prescribed of informing themselves concerning the health of minors in factories is hereby transferred to the state board of labor and industries. The said board shall promptly report to the state board of health all cases of disease in industrial establishments which may affect the health of the community.

**Deputy Commissioners.**—SECTION 7. The board may appoint not more than two deputy commissioners of labor who shall be under the direction of and responsible to, the commissioner. One of the said deputies shall be especially qualified to supervise the enforcement of laws under the jurisdiction of the board which relate to the health of persons employed in buildings used for industrial purposes and shall be charged with that duty. Further division of powers and duties between the deputy commissioners may be made by the board, which shall also fix their salaries and terms of office with the approval of the governor and council. The board shall have power to remove a deputy commissioner from office at any time by vote of a majority of its members.

Acts of 1912, Chapter 726, Section 8, as amended by Acts of 1913, Chapter 813, Section 8, and by Acts of 1915, Chapter 74 (General).

**Inspectors and Clerical Assistants.** — The board shall have power to appoint and remove industrial health inspectors, industrial inspectors, assistant industrial inspectors, and necessary clerical assistants, subject to the laws of the commonwealth relating to the appointment and removal of employees in the classified civil service. The total number of industrial health inspectors, industrial inspectors and assistant industrial inspectors shall not exceed twenty-four, of whom at least four shall be women. The state civil service commissioners shall prepare rules, subject to the approval of the governor and council, for including in the classified service all industrial health inspectors, industrial inspectors, assistant industrial inspectors, and clerical assistants. These rules shall provide that candidates for appointments shall pass an examination of a comprehensive and practical character based upon the particular requirements of the kind of work to be done: *provided*, that persons employed at the time when this act takes effect as inspectors of factories and public buildings in the inspection department of the district police and not retained in said department, as provided in section twelve of this act, shall be transferred without such special examination, and without regard to age, to serve as industrial inspectors. Such transfer shall not affect any rights of retirement with pension that shall have accrued at the date when it is made, or would thereafter accrue to an inspector so transferred, but all such rights shall be retained by any inspector as if he had remained a district police officer. Industrial health inspectors shall be persons admitted to practice medicine in this commonwealth, or persons especially qualified by technical education in matters relating to health and sanitation.

Inspectors and assistant inspectors shall be not over forty-five years of age on the date of their first appointment, but this age limit shall not apply to any reappointment, or to the first appointment of any person who filed his application for examination by the civil service commission for such position prior to the first day of January, nineteen hundred and fifteen, and who was not then over forty-five years of age.

Industrial health inspectors, industrial inspectors and assistant industrial inspectors shall devote their entire time to the affairs of the board.

Each inspector shall, before entering upon his duties, be sworn to the faithful performance thereof.

The salaries of the industrial health inspectors, industrial inspectors and assistant industrial inspectors shall be determined by the board with the approval of the governor and council and shall be graded and of sufficient amount to secure competent men and women for the service; *provided, however*, that the salaries of the industrial inspectors shall be not less than fifteen hundred dollars a year, and *provided, further*, that the amount expended by the board in any year for such salaries shall not exceed the annual appropriation therefor. All salaries provided for under this act shall be paid out of the treasury of the commonwealth.

**Inspection Districts.** — SECTION 9. The commissioner of labor may divide the commonwealth into inspection districts, and may assign the number of industrial health inspectors, industrial inspectors and assistant industrial inspectors thereto which he deems necessary, all with the consent of the board. Any order made by a deputy commissioner or inspector may be amended, suspended or revoked by the commissioner of labor or by the board, and any order made by the commissioner may be amended, suspended or revoked by the board.

**Gratuities.** — SECTION 10. Any inspector under the state board of labor and industries who directly or indirectly receives a reward, gift or gratuity on account of his official services, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than three months; and shall also be discharged from office.

**Inspectors to possess Certain Police Powers.** — SECTION 11. For the enforcement of any law within the jurisdiction of the state board of labor and industries, industrial health inspectors, industrial inspectors and assistant industrial inspectors shall possess the police powers granted by existing law to members of the inspection department of the district police.

**Transfer of Inspectors.** — SECTION 12. The office of inspector of factories and public buildings in the inspection department

of the district police is hereby abolished. The inspectors of factories and public buildings who are, at the time of the passage of this act, serving as building inspectors, so-called, shall remain members of the district police force with the title of inspectors of buildings. The total number of such inspectors shall be eighteen, and, upon the taking effect of this act, the governor shall designate from among the inspectors of factories and public buildings who are at the time of its passage serving as factory inspectors, so-called, a sufficient number of such inspectors to remain members of the district police and to serve as inspectors of buildings to complete this number. The remaining inspectors of factories and public buildings shall, upon the taking effect of this act, be transferred to service under the state board of labor and industries as provided in section eight of this act. Inspectors of buildings shall have the powers and be charged with the duties of the present inspectors of factories and public buildings of the district police, except as otherwise provided in this act.

Acts of 1913, Chapter 424.

The inspectors of factories and public buildings of the district police who were transferred to the state board of labor and industries, established by chapter seven hundred and twenty-six of the acts of the year nineteen hundred and twelve, shall, upon their request in writing to the governor, be transferred to the building department of the district police to fill any vacancies in that department which may occur after the first day of June in the year nineteen hundred and thirteen.

SECTION 13. [Repealed by Acts of 1913, chapter 746.]

Acts of 1912, Chapter 726, Section 14, amended by Acts of 1914, Chapter 533.

**Annual Report.** — SECTION 14. The board shall annually, on or before the first Wednesday in January, submit to the general court a report containing a statement of the character and results of the work performed by it or under its direction during the preceding year and of the expenditures for the year, together with an estimate of the sum required for the ensuing year and recommendations for such additional legislation as the board shall

deem necessary. Thirty-five hundred copies of the report shall be printed, of which number twenty-five hundred copies shall be delivered to the said board for distribution. Five hundred copies of those delivered to the board for distribution shall be bound in cloth.

**Repeal of Inconsistent Acts.**—SECTION 15. All acts and parts of acts inconsistent herewith are hereby repealed; but nothing in this act shall be construed as affecting the duties of the bureau of statistics as defined by chapter three hundred and seventy-one of the acts of the year nineteen hundred and nine.



## JOINT. BOARD OF LABOR AND INDUSTRIES AND INDUSTRIAL ACCIDENT BOARD.

Acts of 1913, Chapter 813.

**Powers and Duties.** — SECTION 1. The state board of labor and industries and the industrial accident board, sitting jointly, shall investigate from time to time employments and places of employment within the commonwealth, and determine what suitable safety devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed in any or all such employments or places of employment; and also shall determine what suitable devices or other reasonable means or requirements for the prevention of industrial or occupational diseases shall be adopted or followed in any or all such employments or places of employment; and shall make reasonable rules, regulations and orders for the prevention of accidents and the prevention of industrial or occupational diseases in such employment or places of employment. Such rules, regulations and orders may apply to both employer and employee.

**Hearings.** — SECTION 2. Before the adoption of any rule or regulation by the said joint board a hearing shall be given, and not less than ten days before the hearing a notice thereof shall be published in at least three newspapers, of which one shall be published in the city of Boston. Such rules or regulations shall upon adoption be published in like manner, and shall take effect thirty days after such publication, or at such later time as the board may fix. Before the adoption of any order a hearing shall be given thereon, of which a notice of not less than ten days shall be given to the individuals, firms, corporations or associations affected thereby.

**Committees.** — SECTION 3. The joint board may appoint committees, on which employers and employees shall be represented, to investigate and recommend rules and regulations.

**Joint Work.** — SECTION 4. The joint board shall make such general arrangements between the two boards as will prevent duplication of effort but the inspection and investigation carried on by the state board of labor and industries shall be a regular



and systematic inspection and investigation of all places of employment and the conditions of safety and health pertaining thereto, and the inspection and investigation carried on by the industrial accident board shall be that relating to causes of injuries for which compensation may be claimed.

**SECTION 5.** Any member or employee of either board may enter any place of employment for any purpose under this act at any time when the place of employment is being used for business purposes.

**Industrial Disease.**—**SECTION 6.** The joint board may require every physician treating a patient whom he believes to be suffering from any ailment or disease contracted as a result of the nature, circumstances or conditions of the patient's employment to report such information relating thereto as it may require, within such time as it may fix, to the state board of labor and industries, and may issue a list of such diseases which shall be regularly reported upon by physicians and may add to or change such list at any time. Copies of all such reports and all statistics and data compiled therefrom shall be kept by the state board of labor and industries, and shall be furnished on request to the industrial accident board and the state board of health.

**Chairman.**—**SECTION 7.** All hearings by the joint board shall be open to the public. The chairman of the state board of labor and industries and the chairman of the industrial accident board shall act alternately as chairman of the joint board, and the said board may designate one of the employees of either board to act as secretary.

**SECTION 8.** Section eight of chapter seven hundred and twenty-six of the acts of the year nineteen hundred and twelve<sup>1</sup> is hereby amended by adding at the end of the first paragraph thereof the words:—or persons especially qualified by technical education in matters relating to health and sanitation.

**Inspectors.**—**SECTION 9.** The industrial accident board may appoint and remove not more than six inspectors, subject to the laws relating to the appointment and removal of employees in the classified civil service. They shall be required to pass examina-

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<sup>1</sup> See page 10.

tions of a comprehensive and practical character based upon the particular requirements of the kinds of work to be done, shall be graded in such manner as the board may deem expedient, and shall receive such salaries as the board, with the approval of the governor and council, may fix.

**Joint Board Rulings shall prevail.** — SECTION 10. If any rule or regulation made under authority of section eighteen of Part IV of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven conflicts with or differs from a rule or regulation of the joint board, the rule or regulation of the joint board shall prevail.

**Annual Estimate of Expenses.** — SECTION 11. There may be expended annually by the joint board in carrying out the provisions of this act such sums as the general court may appropriate. The joint board shall annually submit to the auditor of the commonwealth such statements of estimates to cover its expenses as are required by section three of chapter seven hundred and nineteen of the acts of the year nineteen hundred and twelve.

**Definitions.**<sup>1</sup> — SECTION 12. The following terms and phrases, as used in this act, shall have the following meanings: —

(a) The term “employment” shall mean and include any trade, occupation or branch of industry, any particular method or process used therein, and the service of any particular employer; but shall not include private domestic service or service as a farm laborer.

(b) The phrase “place of employment” shall mean and include every place whether indoors or out or underground and the premises appurtenant thereto, into, in or upon which any employee goes or remains either temporarily or regularly in the course of his employment.

(c) The terms “safe” and “safety”, as used in this act, shall be held to relate to such freedom from danger to the life, safety and health of employees as the nature of the employment will reasonably permit.

(d) The terms “industrial disease” and “occupational disease” shall mean and include any ailment or disease caused by the nature, circumstances or conditions of the employment.

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<sup>1</sup> (Also see General, page 96.)

**Penalty for Violation.** — SECTION 13. Whoever violates any reasonable rule, regulation, order or requirement made by the joint board under authority hereof, shall be punished by a fine of not more than one hundred dollars for each offence.

**Repeal of Inconsistent Acts.** — SECTION 14. All acts and parts of acts inconsistent herewith are hereby repealed; but this provision shall not be construed to take away any of the existing powers of the industrial accident board, the board of railroad commissioners, the state board of health, the board of boiler rules, the boiler inspection department of the district police, or the building inspection department of the district police, or any power given to the state board of labor and industries by chapter seven hundred and twenty-six of the acts of the year nineteen hundred and twelve.

**MINORS.****EDUCATION.**

Revised Laws, Chapter 41, Section 1, amended by Acts of 1905, Chapter 320, by Acts of 1906, Chapter 383, by Acts of 1913, Chapter 779, Section 1, and by Acts of 1915, Chapter 81 (General).

**Compulsory School Attendance for Children of Certain Ages.** — SECTION 1. Every child between seven and fourteen years of age, every child under sixteen years of age who does not possess such ability to read, write and spell in the English language as is required for the completion of the fourth grade of the public schools of the city or town in which he resides, and every child under sixteen years of age who has not received an employment certificate as provided in this act and is not engaged in some regular employment or business for at least six hours per day or has not the written permission of the superintendent of schools of the city or town in which he resides to engage in profitable employment at home, shall attend a public day school in said city or town or some other day school approved by the school committee, during the entire time the public schools are in session, subject to such exceptions as are provided for in sections four, five and six of this chapter and in section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two, and by chapter five hundred and thirty-seven of the acts of the year nineteen hundred and eleven; but such attendance shall not be required of a child whose physical or mental condition is such as to render attendance inexpedient or impracticable, or who is being otherwise instructed in a manner approved in advance by the superintendent of schools or the school committee. The superintendent of schools, or teachers in so far as authorized by said superintendent or by the school committee, may excuse cases of necessary absence for other causes not exceeding seven day sessions or fourteen half-day sessions in any period of six months. For the purposes of this section, school committees shall approve a private school only when the instruction in all the studies required by law is in the English language, and when they are sat-

ified that such instruction equals in thoroughness and efficiency, and in the progress made therein, the instruction in the public schools in the same city or town; but they shall not refuse to approve a private school on account of the religious teaching therein.

SECTION 2. Every person having under his control a child as described in section one shall cause him to attend school as therein required, and, if he fails for seven day sessions or fourteen half-day sessions within any period of six months while such control obtains, to cause such child so to attend school, he shall, upon complaint by an attendance officer and conviction thereof, be punished by a fine of not more than twenty dollars, and no physical or mental condition which is capable of correction, or which renders the child a fit subject for special instruction at public charge in institutions other than public day schools, shall avail as defence under the provisions of this or the preceding section, unless it shall be made to appear that the defendant has employed all reasonable measures for the correction of the condition and the suitable instruction of the child.

Whoever induces or attempts to induce a child to absent himself unlawfully from school, or employs or harbors a child while school is in session, shall be punished by a fine of not less than ten nor more than fifty dollars.

Acts of 1915, Chapter 94 (General).

**Transfer Cards for Public School Pupils.**—When any child required by section one of chapter forty-four of the Revised Laws, as amended by section one of chapter seven hundred and seventy-nine of the acts of the year nineteen hundred and thirteen, to attend school is being educated in any public or private school or in any institution in any city or town, and leaves such school or institution because of change of residence to another city or town in the commonwealth, the superintendent of schools, if the child attends a public school, and the person in charge, if the child attends a private school or is being educated in any institution, shall furnish to such child a transfer card giving the name of the child, his age, his grade in school, and in every case possible, the street and number of his new residence,



and shall send without delay a similar transfer card to the superintendent of schools of the city or town in which the child is to reside.

Revised Laws, Chapter 42, Section 11, amended by Acts of 1914, Chapter 590.

**Public Evening Schools.** — Any town may, and every city or town in which there are issued during the year from September first to August thirty-first certificates authorizing the employment of twenty or more persons who do not possess the educational qualifications enumerated in section one of chapter forty-four of the Revised Laws, as amended, shall maintain during the following school year an evening school or schools for the instruction of persons over fourteen years of age in orthography, reading, writing, the English language and grammar, geography, arithmetic, industrial drawing, both free hand and mechanical, the history of the United States, physiology and hygiene and good behavior. Such other subjects may be taught in such schools as the school committee considers expedient.

Acts of 1913, Chapter 805.

**Continuation Schools.** — SECTION 1. When the school committee of any city or town shall have established continuation schools or courses of instruction for the education of minors between fourteen and sixteen years of age who are regularly employed in such city or town not less than six hours per day, such school committee may, with the consent of the board of education, require the attendance in such continuation schools or on such courses of instruction of every such minor thereafter receiving an employment certificate and who is not otherwise receiving instruction approved by the school committee as equivalent to that provided in schools established under the provisions of this act. The required attendance provided for in this act shall be at the rate of not less than four hours per week and shall be between the hours of eight o'clock in the morning and six o'clock in the afternoon of any working day or days. The time spent by a child in a continuation school or class shall be reckoned as a part of the time or number of hours that minors are permitted by law to work.



SECTION 2. Continuation schools or courses of instruction as provided in section one of this act, shall, so long as they are approved by the board of education as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, conditions of admission, employment of pupils and expenditure of the money, constitute approved continuation schools or courses of instruction. Cities and towns maintaining such approved continuation schools or courses of instruction shall receive reimbursement from the commonwealth, as provided in section three of this act.

SECTION 3. The commonwealth, in order to aid in the maintenance of approved continuation schools or courses, shall as provided in this act pay annually from the treasury to cities and towns maintaining such schools or courses an amount equal to one half of the sum to be known as the net maintenance sum. Such net maintenance sum shall consist of the total sum raised by local taxation and expended for the maintenance of such a school, less the amount, for the same period, of tuition claims paid or unpaid and receipts from the work of pupils or the sale of products.

SECTION 4. When the school committee of any city or town shall have established a continuation school or courses of instruction as provided in section one of this act, the said school committee may require the attendance, as provided in section one of this act, in such continuation school or on such courses of instruction of all minors between fourteen and sixteen years of age residing in said city or town who are regularly employed in another city or town: *provided*, that the city or town in which such minors are employed does not maintain and require attendance at a continuation school or courses of instruction as defined in section one of this act.

SECTION 5. Any minor between fourteen and sixteen years of age who is regularly employed in a city or town other than that in which the said minor resides may attend a continuation school or courses of instruction, as provided in section one of this act, in the city or town in which such minor resides. Any minor attending a continuation school or courses of instruction, as hereinbefore described, in the city or town of his residence in preference to attending such school or courses of instruction in the city or

town of his employment, shall file or cause to be filed regularly, at least once a month, with the superintendent, or his representative duly authorized in writing, of the city or town in which such minor is employed, a report of attendance certified by the superintendent, or his representative duly authorized in writing, of the city or town in which such minor is attending school: *provided, however,* that the filing of such certified report of attendance with the superintendent of a city or town in which attendance at continuation schools or courses of instruction as defined in section one of this act is not compulsory shall not be required.

SECTION 6. The employer of any minor between fourteen and sixteen years of age who is compelled by the provisions and regulations either of the school committee in the city or town in which such minor resides or of the school committee in the city or town in which such minor is employed to attend a continuation school or courses of instruction as defined in section one of this act, shall cease forthwith to employ such minor when notified in writing by the superintendent or his representative duly authorized in writing, having jurisdiction over such minor's school attendance, that such minor is not attending school in accordance with the compulsory attendance regulations as defined in section one of this act. Any employer who fails to comply with the provisions of this section shall be punished by a fine of not less than ten nor more than one hundred dollars for each offence.

SECTION 7. The superintendent of schools having jurisdiction, or a person authorized by him in writing, may revoke the age and schooling or employment certificate of any minor who is required by the provisions of this act to attend a continuation school or courses, if such minor fails to attend such school or courses as provided by this act.

Acts of 1913, Chapter 467.

### **School Attendance and Employment of Illiterate Minors.**

— SECTION 1. Every illiterate minor between sixteen and twenty-one years of age shall attend some public evening school in the city or town in which he resides for the whole time during which the public evening schools are in session: *provided,* that such city or town maintains a public evening school. Attendance at a

public day school, or at a private school approved for the purpose by the school committee, shall exempt such minor from attending a public evening school. This act shall not affect any existing laws regarding the compulsory school attendance of illiterate minors or their employment, but shall be in addition to such laws.

SECTION 2. An illiterate minor who wilfully violates any provision of this act shall be punished by a fine of not less than five dollars.

SECTION 3. Every person having under his control an illiterate minor between sixteen and twenty-one years of age shall cause him to attend a public evening school as hereby required; and if such person fails for six sessions within a period of one month to cause the minor so to attend school, unless the minor's physical or mental condition is such as to render his attendance at school harmful or impracticable, such person shall, upon complaint by a truant officer and conviction thereof, be punished by a fine of not more than twenty dollars.

SECTION 4. Whoever induces or attempts to induce such minor to absent himself unlawfully from school, or employs such a minor except as is provided by law, or harbors such a minor who, while school is in session, is absent unlawfully therefrom, shall be punished by a fine of not more than fifty dollars.

Acts of 1909, Chapter 514, Section 59, amended by Acts of 1913, Chapter 779, Section 17, and by Acts of 1914, Chapter 580.

**School Records.** — The school record required by section sixteen<sup>1</sup> of this act shall be filled out and signed by the principal or teacher in charge of the school which the child last attended and shall be furnished only to a child who, after due examination and investigation, is found to be entitled thereto. Said school record shall state the grade last completed by such child and the studies pursued in completion thereof. It shall state the number of weeks during which such child has attended school during the twelve months next preceding the time of application for said school record. It shall also give the name, date of birth, and the residence of the child as shown on the records of the school and the name of the parent, guardian or custodian. In case it is found to

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<sup>1</sup> See Appendix.

be impossible to obtain said school record from the principal or teacher in charge of the school which such child last attended, the requirement of a school record may be waived.

No such school record shall be issued or accepted and no employment certificate shall be granted unless the child possesses the educational qualifications enumerated in section one of chapter forty-four of the Revised Laws as amended by section one<sup>1</sup> of this act.

No such school record shall be issued or accepted unless the child has regularly attended the public schools or other lawfully approved schools for not less than one hundred and thirty days after becoming thirteen years of age: *provided, however*, that the school record may be accepted in the case of a person who has been an attendant at a public day school or other lawfully approved school for a period of not less than seven years, if in the opinion of said superintendent such person is mentally incapable of acquiring the educational qualifications herein prescribed; and *provided, further*, that the superintendent of schools shall have authority to suspend this requirement in any case when, in his opinion, the interests of the child will best be served by such suspension.

Acts of 1913, Chapter 779, Section 23.

**Educational Certificates.** — No child who is over sixteen and under twenty-one years of age shall be employed in a factory, workshop, manufacturing, mechanical or mercantile establishment unless his employer procures and keeps on file an educational certificate showing the age of the child and his ability or inability to read and write as hereinafter provided. Such certificates shall be issued by the person authorized by this act to issue employment certificates.

The person authorized to issue such educational certificates shall, so far as is practicable, require the proof of age stated in section fifty-eight.<sup>2</sup> He shall examine the child and certify whether or not he possesses the educational qualifications enumerated in section one of chapter forty-four of the Revised Laws, as amended. Every such certificate shall be signed in the presence of the person issuing the same by the child in whose name it is issued.

<sup>1</sup> See Appendix.

<sup>2</sup> Acts of 1909, chapter 514, section 58.



Every employer of such children shall keep their educational certificates accessible to any officer authorized to enforce the provisions of this act and shall return said certificates to the office from which they were issued within two days after the date of the termination of the employment of said children. If the educational certificate of any child who is over sixteen and under twenty-one years of age fails to show that said child possesses the educational qualifications enumerated in section one of chapter forty-four of the Revised Laws, as amended, then no person shall employ such child while a public evening school is maintained in the city or town in which the child resides, unless such child is a regular attendant at such evening school or at a day school, and presents to his employer each week a school record of such attendance. When such record shows unexcused absences, such attendance shall be deemed to be irregular and insufficient. The person authorized to issue educational certificates, or teachers acting under his authority, may, however, excuse justifiable absence. Whoever employs a child in violation of the provisions of this section shall forfeit not more than one hundred dollars for each offence, to the use of the evening schools of such city or town. A parent, guardian or custodian who permits a child to be employed in violation of the provisions of this section shall forfeit not more than twenty dollars, to the use of the evening schools of such city or town.

Acts of 1913, Chapter 779, Section 24.

**Industrial Schools excepted.** — Nothing in this act shall be construed to prevent children of any age from receiving manual training or industrial education in, or in connection with, any school in this commonwealth: *provided*, that the same has been duly approved by the local school committee or by the board of education.

Acts of 1913, Chapter 779, Section 25.

**Repeal of Inconsistent Acts.** — Chapter three hundred and eighty-nine of the acts of the year nineteen hundred and six and chapter three hundred and ten of the acts of the year nineteen hundred and eleven and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

**EMPLOYMENT CERTIFICATES.**

Acts of 1913, Chapter 779, Section 16.<sup>1</sup>

**Issuance.** — An employment certificate shall be issued only by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized in writing by the school committee, of the city or town where the child to whom it is issued resides during his employment, or in case the child resides outside the commonwealth, of the city or town in which the child is to be employed: *provided*, that no member of a school committee or other person authorized as aforesaid shall have authority to issue such certificate for any child then in, or about to enter, such person's own employment or the employment of a firm or corporation of which he is a member, officer or employee.

The person issuing employment certificates shall in each case, before issuing a certificate, receive, examine, approve and file the following papers, duly executed: —

(1) A pledge or promise signed by the employer or by an authorized manager or superintendent, setting forth the character of the employment, the number of hours per day during which the child is to be regularly employed and the name and address of the employer, in which pledge or promise the employer agrees to employ the child in accordance with the provisions of this act, and to return the employment certificate as provided in section fifty-seven.

(2) The school record of such child, properly filled out and signed as hereinafter provided.

(3) A certificate signed by a school or family physician, or by a physician appointed by the school committee, stating that the child has been thoroughly examined by said physician and, in his opinion, is in sufficiently sound health and physically able to perform the work which the child intends to do.

(4) Evidence of age showing that the child is fourteen years of age, which shall consist of one of the following proofs of age:

(a) A birth certificate, or a duly attested transcript thereof,

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<sup>1</sup> See Appendix.



made by a registrar of vital statistics or other officer charged with the duty of recording births.

(b) A baptismal certificate, or a duly attested transcript thereof, showing the age and date of baptism of the child.

(c) In case none of the aforesaid proofs of age is obtainable, and only in such case, the person issuing employment certificates may accept in lieu thereof a passport or a duly attested immigration record, or transcript thereof, showing the age of the child, or other official or religious record of the child's age: *provided*, that it shall appear to the satisfaction of said person that the same is good and sufficient evidence of the child's age.

(d) In case none of the aforesaid proofs of age is obtainable, and only in such case, the person issuing employment certificates may accept in lieu thereof a record of age as given on the register of the school which the child first attended in the commonwealth: *provided*, that such record was kept for at least two years during the time when such child attended school.

(e) In case none of the aforesaid proofs of age is obtainable, and only in such case, the person issuing employment certificates may receive the signed statement of the school physician, or of the physician appointed by the school committee, stating that, after examination, it is the opinion of such physician that the child is at least fourteen years of age. Such physician's statement shall be accompanied by a statement signed by the child's parent, guardian or custodian, or in case such child has no parent, guardian or custodian, the signed statement of the next adult friend. Such signed statement shall contain the name, date and place of birth and residence of the child, and shall certify that the parent, guardian, custodian or next friend signing the statement is unable to produce any of the proofs of age specified in this section. Such statement shall be signed in the presence of the person issuing employment certificates by the parent, guardian, custodian, or next friend. The person issuing employment certificates may, before issuing a certificate, require the parent, guardian, custodian, or next adult friend of the child to appear and approve in writing the issuance of said certificate.

Acts of 1913, Chapter 779, Section 18.

**Contents.** — The employment certificate required by this act shall state the name, sex, date and place of birth and the place of residence of the child and describe the color of the hair and eyes and any distinguishing facial marks of the child. It shall certify that the child named in such certificate has personally appeared before the person issuing the certificate and has been examined and found to possess the educational qualifications enumerated in section one of chapter forty-four of the Revised Laws, as amended by section one of this act, and that all the papers required by section fifty-eight have been duly examined, approved and filed and that all the conditions and requirements for issuing an employment certificate have been fulfilled. It shall state the grade last completed by said child. Every such certificate shall be signed in the presence of the person issuing the same by the child in whose name it is issued. It shall state the name of the employer for whom, and the nature of the employment in which, the certificate authorizes the child to be employed. It shall bear a number, show the date of its issue and shall be signed by the person issuing it. No fee shall be exacted for an employment certificate or for any of the papers required by this act. Duplicate employment certificates shall not be issued until it shall appear to the satisfaction of the person authorized to issue certificates that the original certificate has been lost. A record giving all the facts contained on every employment certificate issued shall be filed in the office issuing the same, together with the papers required by section fifty-eight as amended. A record shall also be kept of the names and addresses of all children to whom certificates have been refused, together with the names of the schools which said children should attend and the reasons for refusal. All the aforesaid records and papers shall be preserved until such children, if living, shall have become sixteen years of age. Such records and statistics concerning the issuance of employment certificates as may be prescribed by the board of education shall be kept and shall be open to the inspection of said board, its officers or agents. The blank certificates and other papers required in connection with the issuing of em-

ployment certificates and educational certificates under this act shall be designed by and furnished to the local school committees by the state board of labor and industries after conference with the board of education, and the approval of the forms thereof by the attorney-general. Said certificates and papers may bear such further and explanatory matter as may be needed to facilitate the enforcement of this act or to comply with future legislative requirements.

Acts of 1913, Chapter 779, Section 15.

**Employment Certificates.** — No child between fourteen and sixteen years of age shall be employed or be permitted to work in, about or in connection with any factory, workshop, manufacturing, mechanical or mercantile establishment unless the person, firm or corporation employing such child procures and keeps on file accessible to the attendance officers of the city or town, to agents of the board of education, and to the state board of labor and industries or its authorized agents or inspectors, the employment certificate as hereinafter provided issued to such child, and keeps a complete list of the names and ages of all such children employed therein conspicuously posted near the principal entrance of the building in which such children are employed: *provided, however*, that children who are over fourteen but under sixteen years of age shall be permitted to work in mercantile establishments on Saturdays between the hours of seven in the morning and six in the evening, without such certificate. On termination of the employment of a child whose employment certificate is on file, said certificate shall be returned by the employer within two days after said termination to the office of the superintendent of schools from which it was issued.

Acts of 1913, Chapter 779, Section 22.

**Inspection of Employment Certificates.** — Inspectors appointed by the state board of labor and industries, agents of the board of education and attendance officers may require that the employment or educational certificates and lists of children who are employed in factories, workshops, manufacturing, mechanical or mercantile establishments shall be produced for their inspec-

tion. A failure to produce to any person authorized by this section who requests the same an employment or educational certificate or list required by law shall be prima facie evidence of the illegal employment of any person whose certificate is not produced or whose name is not so listed. A corporation or other employer, or any agent or officer thereof, who retains an employment or educational certificate in violation of the provisions of this act shall be punished by a fine of not less than ten nor more than one hundred dollars.

Acts of 1914, Chapter 316.

**Charging of Fees for Certificates prohibited.** — It shall be unlawful for any city or town clerk or other official to charge any fee for a certificate relating to the age or place of birth of any minor or to any other fact sought to be established in relation to school attendance, but such certificates shall be issued, upon request, by any city or town clerk.

### **EMPLOYMENT.**

Acts of 1909, Chapter 514, Section 56, amended by Acts of 1913, Chapter 779, Section 14, and by Acts of 1913, Chapter 831.

**Minors under Fourteen.** — SECTION 1. No minor under fourteen years of age shall be employed or permitted to work in or about or in connection with any factory, workshop, manufacturing, mechanical or mercantile establishment, barber shop, boot-black stand or establishment, public stable, garage, brick or lumber yard, telephone exchange, telegraph or messenger office or in the construction or repair of buildings, or in any contract or wage-earning industry carried on in tenement or other houses. No minor under fourteen years of age shall be employed at work performed for wage or other compensation, to whomsoever payable, during the hours when the public schools are in session or shall be employed at work before half-past six o'clock in the morning or after six o'clock in the evening.

**Minors under Sixteen.** — SECTION 2. No minor under sixteen years of age shall be employed or permitted to work in operating or assisting in operating any of the following machines: (1) circular or band saws, (2) wood shapers, (3) wood jointers,



(4) planers, (5) picker machines or machines used in picking wool, cotton, hair or any other material, (6) paperlace machines, (7) leather burnishing machines, (8) job or cylinder printing presses operated by power other than foot power, (9) stamping machines used in sheet metal and tinware or in paper or leather manufacturing or in washer and nut factories, (10) metal or paper cutting machines, (11) corner staying machines in paper box factories, (12) corrugating rolls such as are used in corrugated paper or in roofing, or washboard factories, (13) steam boilers, (14) dough brakes or cracker machinery of any description, (15) wire or iron straightening or drawing machinery, (16) rolling mill machinery, (17) power punches or shears, (18) washing or grinding or mixing machinery, (19) calender rolls in paper and rubber manufacturing or other heavy rolls driven by power, (20) laundering machinery, (21) upon or in connection with any dangerous electrical machinery or appliances.

SECTION 3. No minor under sixteen years of age shall be employed or permitted to work in any capacity in adjusting, or assisting in adjusting any hazardous belt to any machinery, or in oiling or cleaning hazardous machinery, or in proximity to any hazardous or unguarded belts, machinery or gearing while such machinery or gearing is in motion; nor on scaffolding; nor in heavy work in the building trades; nor in stripping, assorting, manufacturing or packing tobacco; nor in any tunnel; nor in a public bowling alley; nor in a pool or billiard room.

SECTION 4. The state board of labor and industries may from time to time, after a hearing or hearings duly held, determine whether or not any particular trade, process of manufacture or occupation in which the employment of minors under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous or is sufficiently injurious to the health or morals of minors under sixteen years of age to justify their exclusion therefrom. No minor under sixteen years of age shall be employed or permitted to work in any trade, process or occupation thus determined to be dangerous or injurious to such minors.



**Minors under Eighteen.**—SECTION 5. No minor under eighteen years of age shall be employed or permitted to work: (1) in or about blast furnaces; (2) in the operation or management of hoisting machines; (3) in oiling or cleaning hazardous machinery in motion; (4) in the operation or use of any polishing or buffing wheel; (5) at switch tending; (6) at gate tending; (7) at track repairing; (8) as a brakeman, fireman, engineer, motorman or conductor upon a railroad or railway; (9) as a fireman or engineer upon any boat or vessel; (10) in operating motor vehicles of any description; (11) in or about establishments wherein gunpowder, nitro-glycerine, dynamite or other high or dangerous explosive is manufactured or compounded; (12) in the manufacture of white or yellow phosphorus or phosphorus matches; (13) in any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; (14) in that part of any hotel, theatre, concert hall, place of amusement or other establishment where intoxicating liquors are sold. The provisions of this section shall not prohibit the employment of minors in drug stores.

SECTION 6. The state board of labor and industries may from time to time, after a hearing or hearings duly held, determine whether or not any particular trade, process of manufacture or occupation, in which the employment of minors under the age of eighteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous or is sufficiently injurious to the health or morals of minors under eighteen years of age to justify their exclusion therefrom. No minor under eighteen years of age shall be employed or permitted to work in any trade, process or occupation thus determined to be dangerous or injurious to such minors.

**Persons under Twenty-one.**—SECTION 7. No person under twenty-one years of age shall be employed or permitted to work in, about or in connection with any saloon or bar room where alcoholic liquors are sold. No such person in any employment shall knowingly be taken, sent or caused or permitted to be sent, to any disorderly house or house of prostitution or assignation or other immoral place of resort or amusement.

SECTION 8. No minor under sixteen years of age shall be employed or permitted to work in, about or in connection with any establishment or occupation named in section one for more than six days in any one week, nor more than forty-eight hours in any one week, nor more than eight hours in any one day, nor before the hour of half-past six o'clock in the morning, nor after the hour of six o'clock in the evening of any day.

SECTION 9. No boy under the age of eighteen years and no girl under the age of twenty-one years shall be employed or permitted to work in, about or in connection with any establishment or occupation named in section one for more than six days in any one week, nor more than fifty-four hours in any one week, nor more than ten hours in any one day, nor before the hour of five o'clock in the morning, nor after the hour of ten o'clock in the evening, nor in the manufacture of textile goods after the hour of six o'clock in the evening.

SECTION 10. Except for the delivery of messages directly connected with the business of conducting or publishing a newspaper, to a newspaper office or directly between newspaper offices, no person under the age of twenty-one years shall be employed or permitted to work as messenger for a telegraph, telephone or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

Acts of 1906, Chapter 463, Part III, Section 89.

**Sales by Children upon Street Cars.** — If a street railway company, its agent or servant, allows a child under the age of ten years to enter upon or into any of its cars for the purpose of selling newspapers or other articles therein or offering them for sale, it shall forfeit fifty dollars for each offence, which shall be recovered by any person by an action brought within three months after the offence has been committed.

Revised Laws, Chapter 65, Section 18.

**Minors under Fifteen Years peddling without License.** — A parent or other person who employs a minor under the age of fifteen years in peddling without a license if one is required

or who, having the care or custody of such minor, permits him to engage in such employment shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

Revised Laws, Chapter 212, Section 52.

**Employing Children to beg.** — A parent or other person who employs a minor under the age of fifteen years in begging or who, having the care or custody of such minor, permits him to engage in such employment shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

Acts of 1913, Chapter 831.

**Street Trades.** — SECTION 11. No boy under twelve years of age and no girl under eighteen years of age shall, in any city having a population of over fifty thousand inhabitants, sell, expose or offer for sale any newspapers, magazines, periodicals, or any other articles of merchandise of any description, or exercise the trade of bootblack or scavenger, or any other trade, in any street or public place.

SECTION 12. No boy under sixteen years of age shall, in any city having a population of over fifty thousand inhabitants, engage in any of the trades or occupations mentioned in the preceding section, unless he complies with all of the provisions of this act and with all of the legal requirements concerning school attendance, and unless a badge as hereinafter provided shall have been issued to him by the officer authorized to issue employment certificates in the city or town where such boy resides.

SECTION 13. Such badge shall not be issued until the officer issuing the same shall have received, examined, approved and filed evidence that such boy is twelve years of age or upwards, which shall consist of the proof of age required for the issuing of an employment certificate. Such officer may refuse to issue such badge to any boy who, in his opinion after due investigation, is found to be physically or mentally incompetent or unable to do such work in addition to the regular school attendance required by law.

SECTION 14. The badge herein required shall be worn, conspicuously exposed at all times, by such boy while so working. No boy

to whom the said badge has been issued shall transfer the same to any other boy. He shall exhibit the same upon demand at any time to any officer charged with the duty of enforcing the provisions of this act which relate to street trades. The school committee of any city may make further regulations and requirements for the issuance of the badge required by this act.

SECTION 15. No boy under sixteen years of age shall engage in any of the trades or occupations mentioned in section eleven in any street or public place after nine o'clock in the evening or before five o'clock in the morning of any day, nor, unless provided with an employment certificate, during the hours when the public schools in the city where such boy resides, or the schools which such boy attends, are in session.

**Time Notice for Minors.** — SECTION 16. Except as provided in section seventeen, every person employing any minor in any establishment mentioned in this act shall post and keep posted in a conspicuous place in the room where such minor is employed or permitted to work a printed notice stating the number of hours such minor is required or permitted to work on each day of the week, with the total for the week, the hours of commencing and stopping work and the hours when the time allowed for meals begins and ends for each day of the week.

The employment of any minor at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section. The terms of such notice for any week or part thereof shall not be changed after the beginning of labor on the first day of the week, without the written consent of the commissioner of labor.

SECTION 17. Every employer who employs any minor subject to the provisions of this act and who is engaged in furnishing public service shall post in a conspicuous place in every room in which such persons are employed a printed notice stating separately the hours of employment for each shift or tour of duty and the time allowed for meals.

A list by name of minor employees, stating in which shift each is employed, shall be kept on file at each place of employment for inspection by employees and officers charged with the enforcement of the law.



The provisions of this act, so far as they relate to hours of employment of minors of eighteen years or over, shall not apply to such employers in cases of extraordinary emergency or extraordinary public requirement, but in such cases no employment contrary to the provisions of this act shall be considered as legalized until a written report of the day and hour of its occurrence and its duration is sent to the commissioner of labor.

SECTION 18. The state board of labor and industries, after approval by the attorney-general, shall furnish the printed forms of the laws and notices required by this act, upon application, to all persons required to post the same.

**Enforcement.** — The inspectors of the state board of labor and industries shall visit and inspect the places of employment mentioned in this act and shall ascertain whether any minors are employed therein contrary to the provisions of this act, and shall prosecute violations thereof. They shall report to the school authorities any cases of children under sixteen years of age discharged for illegal employment. Any person shall have the right to prosecute violations of this act.

SECTION 19. The provisions of this act<sup>1</sup> relating to minors engaged in the occupations mentioned in section eleven shall be enforced by the truant officers and school attendance officers, who are hereby vested with full police power for the purpose, and by police officers. The school committee of each city may appoint or designate one or more special truant or attendance officers to have supervision over minors engaged in such occupations and over the enforcement of the said provisions.

Acts of 1913, Chapter 779.

**Powers and Duties of Attendance Officers and Industrial Inspectors.** — SECTION 20. Attendance officers may visit the factories, workshops, manufacturing, mechanical and mercantile establishments, theatres, and places of public exhibition in their several cities and towns and ascertain whether any children are employed therein contrary to the provisions of this act and shall report in writing any cases of such illegal employment to the

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<sup>1</sup> Acts of 1913, chapter 831.



superintendent of schools or the school committee and to the state board of labor and industries or its authorized officers or agents. Inspectors appointed by the state board of labor and industries shall visit all factories, workshops, manufacturing, mechanical and mercantile establishments within their respective districts, and ascertain whether any children are employed therein contrary to the provisions of this act, and shall enter complaint against whomever is found to have violated any of said provisions. An inspector who knowingly or wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars.

**SECTION 21.** An attendance officer shall apprehend and take to school, without a warrant, any child under the age of twenty-one years who is employed in any factory, workshop, manufacturing, mechanical or mercantile establishment in violation of the provisions of this act, or who is employed in any theatre or place of public exhibition contrary to the provisions of this act, and such attendance officer shall forthwith report to the police, district or municipal court or trial justice within whose judicial district the illegal employment occurs, the evidence in his possession relating to the illegal employment of any child so apprehended, and shall make complaint against whomever the court or trial justice may direct. An attendance officer who knowingly and wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars for each offence.

**Hours of Labor, Time Notices, etc.** (*See Women and Minors, page 44.*)

**Night Employment in Manufacturing.** (*See Women and Minors, page 47.*)

Acts of 1913, Chapter 831.

**Penalties.**—**SECTION 20.** Any person who, whether by himself or for others, or through agents, servants or foremen employs, induces or permits any minor to work contrary to any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, for a first offence, be punished by a fine of not less than ten dollars nor more than fifty dollars, or by im-

prisonment for not more than thirty days, or by both such fine and imprisonment; and for a second or subsequent offence, by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

The employment of any minor in violation of any provision of this act after the person employing such minor has been notified thereof in writing by any authorized inspector, school attendance officer or truant officer, shall constitute a separate offence for every day during which the employment continues.

SECTION 21. Any person who hinders or delays any authorized inspector, school attendance officer, or truant officer in the performance of his duties, or who refuses to admit to or locks out any such inspector or officer from any place which such inspector or officer is authorized to inspect, or who refuses to give to such inspector or officer such information as may be required for the proper enforcement of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

SECTION 22. Any person who furnishes or sells to any minor any article of any description with the knowledge that the minor intends to sell such articles in violation of any provision of this act, or after having received written notice to this effect from any officer charged with the enforcement of any provision of this act, or any person who knowingly procures or encourages any minor to violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

SECTION 23. Any parent, guardian or custodian having a minor under his control, who compels or permits such minor to work in violation of any provision of this act, or who knowingly certifies to any materially false statement for the purpose of obtaining the illegal employment of such minor, shall be deemed guilty of a misdemeanor, and, upon conviction, shall for the first offence be punished by a fine of not less than two dollars nor

more than ten dollars, or by imprisonment for not more than five days, or by both such fine and imprisonment; and for a second or subsequent offence he shall be punished by a fine of not less than five dollars nor more than twenty-five dollars, or by imprisonment for not more than ten days, or by both such fine and imprisonment.

SECTION 24. Any inspector, school attendance officer, truant officer, superintendent of schools or other person authorized to issue the badges required by this act, or any other person charged with the enforcement of any of the provisions of this act, who knowingly violates or fails to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than ten dollars nor more than two hundred dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

SECTION 25. Any minor who shall engage in any of the trades or occupations mentioned in section eleven in violation of any provision of this act shall, for the first offence, be warned by the officers whose duty it is to enforce the provisions of this act relating to street trades, and the parent, guardian or custodian shall be notified. In case of a second violation, such minor may be arrested and dealt with as a delinquent child, or, if over seventeen years of age, shall be punished by a fine not exceeding fifteen dollars upon the recommendation of the principal or chief executive officer of the school which such minor is attending, or upon the complaint of any school attendance officer, truant officer, police officer or probation officer, the badge of any minor who violates any provision of this act, or who becomes delinquent or fails to comply with all legal requirements concerning school attendance, may be revoked by the officer issuing the same for a period of three months and the badge taken from such minor. The refusal of any minor to surrender such badge, or the working at any of the occupations mentioned in section eleven by any minor after notice of the revocation of such badge, shall be deemed a violation of this act.

SECTION 26. Police, district and municipal courts and trial justices and the Boston juvenile court as to minors under seventeen years of age shall have jurisdiction of offences arising under

this act. A summons or warrant issued by any such court or justice may be served at the direction of the court or magistrate by an inspector of the state board of labor and industries or by a truant officer or school attendance officer, or by any officer qualified to serve criminal process.

(*See also Women and Minors*, page 46.)

**SECTION 27.** Nothing in this act shall be construed to apply to the juvenile reformatories, other than the Massachusetts reformatory, or to prevent minors of any age from receiving manual training or industrial education in or in connection with any school in this commonwealth which has duly been approved by the school committee or by the board of education.

**Repeal of Previous Inconsistent Acts.** — **SECTION 28.** All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

**Educational Certificates.** (*See Education*, page 24.)

**Employment Certificates.** (*See Employment Certificates*, page 29.)

**Employment of Illiterate Minors.** (*See Education*, page 22.)

Acts of 1909, Chapter 514, Section 61, amended by Acts of 1910, Chapter 249, by Acts of 1913, Chapter 779, Section 19, and by Acts of 1915, Chapter 70 (General).

**Penalty for Illegal Employment and for altering Certificates.** — Whoever employs a person under the age of sixteen years, and whoever procures or, having under his control a person under sixteen years of age, permits such person to be employed in violation of the provisions of sections fifty-six or fifty-seven of this act, shall for each offence be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment for not more than thirty days; and whoever continues to employ a person under sixteen years of age in violation of the provisions of either of said sections, after being notified thereof by a school attendance officer or by an inspector appointed by the state board of labor and industries, shall for every day thereafter while such employment continues be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than sixty days; and whoever forges, or procures to be forged, or assists in forging a certificate of



birth or other evidence of the age of such person, and whoever presents or assists in presenting a forged certificate or evidence of birth to the superintendent of schools or to a person authorized by law to issue certificates, for the purpose of fraudulently obtaining the employment certificate required by this act, shall be punished by a fine of not less than ten nor more than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. Whoever, being authorized to sign an employment certificate, knowingly certifies to any materially false statement therein shall be punished by a fine of not less than ten nor more than two hundred dollars. Whoever, without authority, alters an employment certificate after the same is issued shall be punished by a fine of ten dollars.

Acts of 1909, Chapter 514, Section 76.

**Public Exhibition of Children.**—No person shall employ, exhibit or sell, apprentice or give away, a child under fifteen years of age for the purpose of employing or exhibiting him in dancing on the stage, playing on musical instruments, singing, walking on a wire or rope, or riding or performing as a gymnast, contortionist or acrobat in a circus, theatrical exhibition or in any public place, or cause, procure or encourage such child to engage therein; but the provisions of this section shall not prevent the education of children in vocal and instrumental music or dancing or their employment as musicians in a church, chapel, school or school exhibition, or prevent their taking part in any festival, concert or musical exhibition upon the special written permission of the mayor and aldermen of a city or of the selectmen of a town. Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

### MISCELLANEOUS.

Acts of 1909, Chapter 514, Section 73.

**Children forbidden to clean Machinery in Motion.**—Whoever, either for himself or as superintendent, overseer or agent permits a child under fourteen years of age to clean any



part of the machinery in a factory, if it is in motion by the aid of steam, water or other mechanical power, or if it is in dangerous proximity to such moving part, shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offence.

Acts of 1909, Chapter 514, Section 77.

A license shall not be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats or contortionists or in any feats of gymnastics or equestrianism, or in which such children who belong to the public schools are employed or allowed to take part as performers on the stage in any capacity, or if, in the opinion of the board authorized to grant licenses, such children are employed in such a manner as to corrupt their morals or impair their health; but the provisions of this section shall not prevent the granting of special permission authorized by the preceding section.

**Seats for Children.** (*See Women and Minors, page 49.*)

**Meal Hours for Young Persons.** (*See Women and Minors, page 49.*)

**Duties of Inspectors regarding Health of Minors.** (*See Health, Inspection, page 60.*)

## WOMEN AND MINORS.

### APPRENTICESHIP.

Revised Laws, Chapter 155.

#### Male and Female Minors as Apprentices or Servants. —

SECTION 1. A child under the age of fourteen years may be bound as an apprentice or servant until that age; and a minor above said age may be bound as an apprentice or servant, a female to the age of eighteen years or to the time of her marriage within that age, and a male to the age of twenty-one years.

SECTION 2. A child under the age of fourteen years may be bound by the father, or, in case of his death or incompetency, by the mother or legal guardian. If illegitimate, he or she may be bound by the mother during the lifetime of the putative father as well as after his decease. If such children have no parent competent to act and no guardian, they may, with the approval of the selectmen of the town in which they reside, bind themselves. The power of a mother to bind her children shall cease upon her subsequent marriage and shall not be exercised by herself or by her husband during the continuance of such marriage.

SECTION 3. A minor above the age of fourteen years may be bound in the same manner, but, if bound by his parent or guardian, the indenture shall recite his consent and shall be signed by him.

#### Certain Minors may be bound by Overseers of Poor. —

SECTION 4. A minor child who is, or either of whose parents is, chargeable to a town as having a lawful settlement therein or supported there at the expense of the commonwealth may, whether under or above the age of fourteen years, be so bound by the overseers of the poor, a female to the age of eighteen years or to the time of her marriage within that age, and a male to the age of twenty-one years; and provision shall be made in the contract for teaching such minor reading, writing and arithmetic, and for such other instruction, benefit and allowance, either within or at the end of the term, as the overseers may require.

**Indenture to be made.** — SECTION 5. A minor shall not be bound as an apprentice or servant except by an indenture of

two parts sealed and delivered by both parties; and if a minor is bound with the approval of the selectmen, they shall certify such approval in writing upon each part of the indenture.

SECTION 6. One part of the indenture shall be kept for the use of the minor by the parent or guardian who executes it, and, if made with the approval of the selectmen or by the overseers of the poor, shall be deposited with the town clerk for the use of the minor.

**Discharge of Apprentice by Death of Master or Mistress.** — SECTION 18. No indenture of apprenticeship or of service made in pursuance of this chapter shall bind the minor after the death of his master, but the apprenticeship or service shall be thereby discharged, and the minor may be bound out anew.

SECTION 19. The foregoing provisions of this chapter shall apply as well to mistresses as to masters.

### EMPLOYMENT.

Acts of 1909, Chapter 514, Section 48, amended by Acts of 1911, Chapter 484; Acts of 1912, Chapter 477; Acts of 1913, Chapter 758; Acts of 1915, Chapter 57 (General).

**Hours of Labor, Time Notices, etc.** — No child under eighteen years of age and no woman shall be employed in laboring in any factory or workshop, or in any manufacturing, mercantile, mechanical establishment, telegraph office or telephone exchange, or by any express or transportation company, more than ten hours in any one day; and in no case shall the hours of labor exceed fifty-four in a week except that in manufacturing establishments where the employment is by seasons, the number of such hours in any week may exceed fifty-four, but not fifty-eight, provided that the total number of such hours in any year shall not exceed an average of fifty-four hours a week for the whole year, excluding Sundays and holidays; and if any child or woman shall be employed in more than one such place the total number of hours of such employment shall not exceed fifty-four hours in any one week. Every employer, except those employers hereinafter designated, shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of beginning and stopping work, and the hours when the time

allowed for meals begins and ends or, in the case of mercantile establishments and of establishments exempted from the provisions of sections sixty-seven and sixty-eight, the time, if any, allowed for meals. The printed forms of such notices shall be provided by the state board of labor and industries, after approval by the attorney-general. The employment of any such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on a previous day of the same week in consequence of the stopping of machinery upon which such person was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be authorized until a written report of the day and hour of its occurrence and its duration is sent to the state board of labor and industries, nor shall such overtime employment be authorized because of the stopping of machinery for the celebration of any holiday. Every employer engaged in furnishing public service or in any other kind of business in respect to which the state board of labor and industries shall find that public necessity or convenience requires the employment of children under the age of eighteen or women by shifts during different periods or parts of the day, shall post in a conspicuous place in every room in which such persons are employed a printed notice stating separately the hours of employment for each shift or tour of duty and the amount of time allowed for meals. Printed forms of such notices shall be provided by the state board of labor and industries, after approval by the attorney-general. A list by name of the employees, stating in which shift each is employed, shall be kept on file at each place of employment for inspection by employees and by officers charged with the enforcement of the law. In cases of extraordinary emergency as defined by section one of chapter four hundred and ninety-four of the acts of the year nineteen hundred and eleven or extraordinary public requirement, the provisions of this act shall not apply to employers engaged in public service or in other kinds of business in which shifts may be required as hereinbefore stated; but in such cases no employment in excess of the hours authorized under the pro-

visions of this act shall be considered as legalized until a written report of the day and hour of its occurrence and its duration is sent to the state board of labor and industries.

Acts of 1913, Chapter 365.

**Certain Places exempt from Posting Time Notices.** — In towns of less than forty-five hundred inhabitants, the employer of women or minors in a hotel or upon premises used for the temporary purpose of publicly providing and serving meals shall be exempt from posting the notices required by the provisions of section forty-seven of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine. (See Acts of 1913, chapter 758, page 44.)

Acts of 1909, Chapter 514, Section 49.

**Penalties, Form of Complaint, etc.** — A parent or guardian who permits a minor under his control to be employed in violation of either of the two preceding sections, and any person who, either for himself or as superintendent, overseer or agent for another, employs any person in violation of the provisions of either of said sections, or fails to post the notice required by either of the preceding sections, or makes a false report of the stopping of machinery under the provisions of the preceding section, shall be punished by a fine of not less than fifty nor more than one hundred dollars. A certificate of the age of a minor made and sworn to by him and by his parent or guardian at the time of his employment in a mercantile, manufacturing or mechanical establishment shall be prima facie evidence of his age in any prosecution under the provisions of this section.

Acts of 1909, Chapter 514, Section 50.

The form of complaint heretofore used may be used in prosecutions under the provisions of section forty-eight of this act, and if substantially followed shall be deemed sufficient, fully and plainly, substantially and formally, to describe the offences therein set forth but the provisions of this section shall not be construed to prohibit the use of any other suitable form.



Acts of 1911, Chapter 313, Section 1, amended by Acts of 1912, Chapter 452.

**Employment of Women and Children in Workshops connected with Mercantile Establishments.** — The provisions of section forty-seven of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, relative to the employment of children and women in mercantile establishments, shall also apply to children and women employed in a workshop for the altering or repairing of garments: *provided*, that the workshop is connected with a mercantile establishment where the said garments are sold at retail, and is owned and operated by the proprietor of such mercantile establishment; and *provided, also*, that such children and women shall not be employed more than fifty-six hours in any one week. The provisions of section forty-eight of the said chapter shall not apply to children and women employed as aforesaid.

Acts of 1909, Chapter 514, Section 51.

**Night Employment in Manufacturing.** — No person, and no agent or officer of a person or corporation, shall employ a woman or minor in any capacity for the purpose of manufacturing between ten o'clock at night and six o'clock in the morning. No person, and no agent or officer of a person or corporation engaged in the manufacture of textile goods, shall employ a woman or a minor before six o'clock in the morning or after six o'clock in the evening. Whoever violates the provisions of this section shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence.

Acts of 1912, Chapter 653.

**Employment of Women in Core-rooms.** — SECTION 1. The state board of labor and industries shall investigate core-rooms where women are employed and shall make rules regulating the employment of women therein. The rules shall relate to the structure and location of the rooms, the emission of gases and fumes from ovens, and the size and weight which the women shall be allowed to lift or work on. A copy of the rules shall be posted in every core-room where women are employed.

SECTION 2. The inspectors of the state board of labor and industries shall, under the direction of the state board of labor and industries, enforce any rules made in accordance with the provisions of this act.

SECTION 3. Whoever violates any rule established under the provisions of this act shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars.

Acts of 1911, Chapter 229.

**Employment of Pregnant Women.** — SECTION 1. No woman shall knowingly be employed in laboring in a mercantile, manufacturing or mechanical establishment within two weeks before or four weeks after childbirth.

SECTION 2. The foregoing section shall be included in the notice with regard to the employment of women now required to be posted in mercantile, manufacturing and mechanical establishments, and the provisions thereof shall be enforced by the state board of labor and industries.

SECTION 3. Violations of section one of this act shall be punished by a fine not exceeding one hundred dollars.

#### MISCELLANEOUS.

Acts of 1913, Chapter 426, Section 1, amended by Acts of 1914, Chapter 241, and Acts of 1915, Chapter 27 (General).

**Moving by Women of Boxes and Other Receptacles in Mills and Workshops.** — Boxes, baskets and other receptacles which with their contents weigh seventy-five pounds or over and which are to be moved by female employees in any manufacturing or mechanical establishment, shall be provided with pulleys or casters connected with such boxes or other receptacles so that they can be moved easily from place to place in such establishments.

Acts of 1913, Chapter 426, Section 2.

Whoever violates the provisions of this act shall be punished by a fine not exceeding fifty dollars for every day during which there shall be a failure to equip or provide such boxes, baskets or other receptacles with some one of the appliances specified in section one of this act.

Acts of 1909, Chapter 514, Section 72, amended by Acts of 1912, Chapter 96.

**Seats for Women and Children.** — Whoever employs women or children in any manufacturing, mechanical or mercantile establishment shall provide for their use and permit them to use suitable seats whenever they are not necessarily engaged in the active duties of their employment, and shall also provide for their use and permit them to use suitable seats while they are at work, except in such cases and at such times as the work cannot properly be performed in a sitting position. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than thirty dollars for each offence.

Acts of 1909, Chapter 514.

**Meal Hours for Women and Young Persons.** — SECTION 67. Women and young persons, five or more in number, who are employed in the same factory shall be allowed their meal times at the same hour, except that any such persons who begin work in such factory at a later hour in the morning than other such persons employed therein may be allowed their meal times at a different hour; but no such persons shall be employed during the regular meal hour in tending the machines or doing the work of any other women or young persons in addition to their own.

SECTION 68. No woman or young person shall be employed for more than six hours at one time in a factory or workshop in which five or more such persons are employed without an interval of at least half an hour for a meal; but such person may be so employed for not more than six and one-half hours at one time if such employment ends not later than one o'clock in the afternoon and if he or she is then dismissed from the factory or workshop for the remainder of the day; or for not more than seven and one-half hours at one time if he or she is allowed sufficient opportunity for eating a lunch during the continuance of such employment and if such employment ends not later than two o'clock in the afternoon, and he or she is then dismissed from the factory or workshop for the remainder of the day.

SECTION 69. The provisions of the two preceding sections shall not apply to iron works, glass works, paper mills, letter press

establishments, print works, bleaching works or dyeing works; and the state board of labor and industries, if it is proved to its satisfaction that in any other class of factories or workshops it is necessary, by reason of the continuous nature of the processes or of special circumstances affecting such class, to exempt it from the provisions of the two preceding sections and that such exemption can be made without injury to the health of the women or young persons affected thereby, may, with the approval of the governor, issue a certificate granting such exemption, public notice whereof shall, without expense to the commonwealth, be given in the manner directed by said board.

SECTION 70. If a minor or a woman shall, without the orders, consent or knowledge of the employer or of the superintendent, overseer or other agent of the employer, labor in a manufacturing or mechanical establishment, factory or workshop during a part of any time allowed for meals in such establishment, factory or workshop, according to the notice required by section forty-eight, and if a copy of such notice was posted in a conspicuous place in the room where such labor was performed with a rule of the establishment, factory or workshop forbidding such minor or woman to labor during such time, then neither the employer nor a superintendent, overseer or other agent of the employer shall be held responsible for such labor.

SECTION 71. Whoever either for himself or as superintendent, overseer or agent violates the provisions of the four preceding sections shall be punished by a fine of not less than fifty nor more than one hundred dollars.

**Duties of Inspectors regarding Health of Minors.** (*See Health, Inspection, page 60.*)

## LABOR.

### HOURS.

Acts of 1909, Chapter 514, Sections 37, 38, 40, 41, amended by Acts of 1911, Chapter 494.

**Hours for Public Employees.** — SECTION 1. The service of all laborers, workmen and mechanics, now or hereafter employed by the commonwealth or by any county therein or by any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, or of section forty-two of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, or by any contractor or sub-contractor for or upon any public works of the commonwealth or of any county therein or of any such city or town, is hereby restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the commonwealth or of any county therein, or of any such city or town, or for any such contractor or sub-contractor or other person whose duty it shall be to employ, direct or control the service of such laborers, workmen or mechanics to require or permit any such laborer, workman or mechanic to work more than eight hours in any one calendar day, except in cases of extraordinary emergency. Danger to property, life, public safety or public health only shall be considered cases of extraordinary emergency within the meaning of this section. In cases where a Saturday half holiday is given the hours of labor upon the other working days of the week may be increased sufficiently to make a total of forty-eight hours for the week's work. Threat of loss of employment or to obstruct or prevent the obtaining of employment or to refrain from employing in the future, shall each be considered to be "requiring" within the meaning of this section. Engineers shall be regarded as mechanics within the meaning of this act.

SECTION 2. Every contract, excluding contracts for the purchase of material or supplies, to which the commonwealth or any county therein or any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that



no laborer, workman or mechanic working within this commonwealth, in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be requested or required to work more than eight hours in any one calendar day, and every such contract which does not contain this stipulation shall be null and void.

SECTION 3. Any agent or official of the commonwealth or of any county therein or of any city or town or any contractor or sub-contractor or any agent or person acting on behalf of any contractor or sub-contractor who violates any provision of this act shall be punished by a fine not exceeding one thousand dollars or by imprisonment for six months or both such fine and imprisonment for each offence.

SECTION 4. This act shall not apply to the preparation, printing, shipment and delivery of ballots to be used at a caucus, primary, state, city or town election, nor during the sessions of the general court to persons employed in legislative printing or binding; nor shall it apply at any time to persons employed in any state, county or municipal institution, on a farm, or in the care of the grounds, in the stable, in the domestic or kitchen and dining room service or in store rooms or offices.

Acts of 1909, Chapter 514, Section 43.

In a city or town, which has not accepted the provisions of sections thirty-seven or forty-two, [of chapter 514 of the Acts of 1909] nine hours shall constitute a day's work for all laborers, workmen and mechanics who are employed by or on behalf of such city or town.

Acts of 1909, Chapter 514, Section 53.

**Hours for Officers, Instructors and Employees of State Penal Institutions.** — The hours of labor for officers, instructors, and employees of the state penal institutions shall not exceed sixty in each week; and every officer, instructor or employee whose duties require his presence at the institution seven days a week shall be given at least two days' vacation in each month, which shall be in addition to the regular annual vacation and without loss of pay. Nothing in this section shall prevent the

warden or superintendent, respectively, from requiring the services of all his officers, instructors and employees to assist in recapturing an escaped prisoner, or in any case of extraordinary emergency involving danger to property, to life, to public safety or to public health.

Acts of 1909, Chapter 514, Section 54.

There may be employed at the state prison, the Massachusetts reformatory, and the reformatory prison for women, such officers in addition to the number allowed by law on the first day of December in the year nineteen hundred and eight as the prison commissioners shall consider necessary to carry out the purpose of the preceding section.

Acts of 1909, Chapter 514, Section 55.

**Hours for Employees of County Jails and Houses of Correction.** — The hours of labor for employees of county jails and houses of correction shall not exceed sixty in each week and every employee of a county jail or house of correction whose duties require his presence at such house of correction or county jail seven days a week shall be given at least two days of vacation in each month, which shall be in addition to any annual vacation now or hereafter allowed to said employees, and shall be without loss of pay. A county officer who violates the provisions of this section by requiring an employee to work more than sixty hours in a week shall be punished by a fine of not less than twenty-five nor more than fifty dollars for each offence.

Acts of 1912, Chapter 533, Section 2, amended by Acts of 1913, Chapter 833, Section 1, and by Acts of 1915, Chapter 277 (General).

**Hours for Employees of Street Railways.** — A day's work for all conductors, guards, drivers, motormen, brakemen, dispatchers and gatemen who are employed by or on behalf of a street railway or elevated railway company shall not exceed nine hours, and shall be so arranged by the employer that it shall be performed within eleven consecutive hours. No officer or agent of any such company shall require from said employees more than nine hours' work for a day's labor. Threat of loss of employment or threat to obstruct or prevent the obtaining of employment by the employees, or threat to refrain from employing any employee

in the future shall be considered coercion and "requiring", within the meaning of this section. But nothing herein shall prevent an employee of the character mentioned in this act, if he so desires, from working more hours than those prescribed in the act for extra compensation.

Acts of 1912, Chapter 533, Section 3, amended by Acts of 1913, Chapter 833, Section 2.

A company which violates any provision of this act shall forfeit for each offence not less than one hundred dollars nor more than five hundred dollars.

Acts of 1912, Chapter 533, Section 4, amended by Acts of 1913, Chapter 833, Section 3.

This act shall not affect any written contract existing at the date of its passage.

Acts of 1914, Chapter 746.

**Hours for Certain Employees in and about Railroad Stations.** — SECTION 1. Employees in and about steam railroad stations in this commonwealth designated as baggagemen, laborers, crossing-tenders and the like, shall not be employed for more than nine working hours in ten hours' time; the additional hour to be allowed as a lay-off.

SECTION 2. Any employer, agent, officer or other person who violates any provision of this act shall be punished by a fine not exceeding one hundred dollars for each offence.

Acts of 1914, Chapter 623.

**Hours for Certain Employees of Counties.** — The hours of labor of officers, watchmen and matrons employed by counties in the prisons and reformatory institutions of the commonwealth shall not exceed eight a day, with the exceptions and subject to the provisions contained in section one of chapter four hundred and ninety-four of the acts of the year nineteen hundred and eleven, so far as the said exceptions and provisions are applicable.

Acts of 1909, Chapter 514, Section 44.

**Hours for Members of Fire Departments.** — Any city may by ordinance and any town may by by-law establish the hours of labor of the members of its fire department.

**Hours for Women and Children under Eighteen.** (*See Women and Minors, page 44.*)

### **HALF HOLIDAYS.**

Acts of 1912, Chapter 528, amended by Acts of 1914, Chapter 455.

**Half Holiday for Certain State Employees.**—Laborers and mechanics in the permanent service of the metropolitan water and sewerage board or the metropolitan park commission, except those employed in the pumping stations of the metropolitan water and sewerage board and at the bath-houses under the control of the metropolitan park commission, shall be given a half holiday each week during the months of April, May, June, July, August and September, without loss of pay, and, if practicable, the half holiday shall be on Saturday. If, however, the public service so requires, the metropolitan park commission and the metropolitan water and sewerage board may at any time during the year give to the laborers and mechanics in their permanent service, in lieu of the said half holidays, days off duty without loss of pay equivalent in time to the half holidays which would otherwise be given under this act.

Acts of 1914, Chapter 688.

**Half Holiday for Laborers, Workmen and Mechanics employed by Commonwealth.**—SECTION 1. All laborers, workmen and mechanics employed by the commonwealth in any capacity, or by any officer, board or commission on behalf of the commonwealth who are permanent employees or who have been certified by the civil service commission and whose services can be dispensed with, shall be given a half-holiday on every Saturday in the year, without loss of pay.

SECTION 2. So far as is possible, all work by laborers, workmen and mechanics employed by the commonwealth or by any officer, board or commission on behalf of the commonwealth, shall be on the day-work basis.

SECTION 3. This act shall be submitted for acceptance to the voters of the commonwealth at the state election in the present year in answer to the question, to be printed on the official ballot for use at said election, "Shall an act passed by the general court

in the year nineteen hundred and fourteen to make Saturday a half-holiday, without loss of pay, for laborers, workmen and mechanics employed by or on behalf of the commonwealth and otherwise to regulate their employment, be accepted?"

<b>YES.</b>	
<b>NO.</b>	

If a majority of the voters voting thereon vote in the affirmative, this act shall take effect; otherwise, it shall be void.<sup>1</sup>

Acts of 1915, Chapter 288 (General).

The provisions of chapter six hundred and eighty-eight of the acts of the year nineteen hundred and fourteen and of the amendments thereof, relative to making Saturday a half-holiday for laborers, workmen and mechanics employed by or on behalf of the commonwealth and otherwise regulating their employment, shall apply to the Massachusetts Agricultural College.

### **LEGAL HOLIDAYS.**

Acts of 1911, Chapter 151.

**Labor on Legal Holidays.** — SECTION 1. No employee shall be required to work in any mill or factory on any legal holiday, except to perform such work as is both absolutely necessary and can lawfully be performed on the Lord's day.

SECTION 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding five hundred dollars.

Acts of 1913, Chapter 359.

**Time Lost by Reason of Legal Holiday.** — SECTION 1. It shall be unlawful to require or to request any person employed in a manufacturing or mechanical establishment to work more hours in any one day than is now limited by law, in order to make up time lost by reason of a legal holiday.

SECTION 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding one hundred dollars for each offence.

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<sup>1</sup> Accepted Nov. 3, 1914.



Revised Laws, Chapter 8, Section 5, clause 9, amended by Acts of 1911, Chapter 136.

The words "legal holiday" shall include the twenty-second day of February, the nineteenth day of April, the thirtieth day of May, the fourth day of July, the first Monday of September, the twelfth day of October, Thanksgiving day and Christmas day, or the day following when any of the four days first mentioned, the twelfth day of October or Christmas day occurs on Sunday; and the public offices shall be closed on all of said days.

### ONE DAY'S REST IN SEVEN.

Revised Laws, Chapter 98, Section 16.

"Lord's Day" defined. — The Lord's Day shall include the time from midnight to midnight.

Acts of 1907, Chapter 577, amended by Acts of 1909, Chapter 514, Section 52.

**Sunday Labor.** — Except in cases of emergency or except at the request of the employee, it shall not be lawful for any person, partnership, association or corporation to require an employee engaged in any commercial occupation, or in the work of any industrial process, or in the work of transportation or communication, to do on the Lord's day the usual work of his occupation, unless such employee is allowed during the six days next ensuing twenty-four consecutive hours without labor. But the provisions of this section shall not be construed as authorizing any work on the Lord's day not now authorized by law; nor as applying to farm or personal service, to druggists, to watchmen, to superintendents or managers, to janitors, or to persons engaged in the transportation, sale or delivery of milk, food or newspapers. Whoever violates the provisions of this section shall be punished by a fine of not more than fifty dollars for each offence.

Acts of 1913, Chapter 619.

**One Day's Rest in Seven.** — SECTION 1. Every employer of labor, whether a person, partnership or corporation, engaged in carrying on any manufacturing or mercantile establishment in this commonwealth as hereinafter defined, shall allow every per-

son, except those specified in section two, employed in such manufacturing or mercantile establishment at least twenty-four consecutive hours of rest in every seven consecutive days. No employer shall operate any such manufacturing or mercantile establishment on Sunday, unless he shall have complied with the provisions of section three; but this act shall not authorize any work on Sunday not now authorized by law.

SECTION 2. This act shall not apply to (a) janitors; (b) watchmen; (c) employees whose duties include no work on Sunday other than (1) setting sponges in bakeries; (2) caring for live animals; (3) maintaining fires; (4) caring for machinery; (5) employees engaged in the preparation, printing, publication, sale or delivery of newspapers; (6) any labor called for by an emergency that could not reasonably have been anticipated.

SECTION 3. Before operating on Sunday, every employer shall post in a conspicuous place on the premises a schedule containing a list of his employees who are required or allowed to work on Sunday and designating the day of rest for each, and shall file a copy of such schedule with the state board of labor and industries. The employer shall promptly file with the said board a copy of every change in such schedule. No employee shall be required or allowed to work on the day of rest so designated for him.

SECTION 4. Every employer to whose employees the provisions of this act apply shall keep a time book showing the names and addresses of all employees and the hours worked by each of them in each day, and such time book shall be open to inspection by the state board of labor and industries.

SECTION 5. In this act "manufacturing establishments" and "mercantile establishments" shall have the meaning defined in section seventeen of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, except that neither of said terms shall be held to include establishments used for the manufacture or distribution of gas, electricity, milk or water, hotels, restaurants, drug stores, livery stables or garages.

SECTION 6. An employer who violates any provision of this act shall be punished by a fine of fifty dollars for each offence.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed, but this act shall not be construed as repealing chapter four hundred and twenty of the acts of the year nineteen hundred and nine, or any part thereof.

Acts of 1914, Chapter 723.

**Days of Rest for Certain Railroad Employees.** — SECTION 1. Every person employed as signalman, towerman, leverman, agent, train dispatcher, telegrapher or telephone operator in a railroad signal tower or railroad station, and every other person employed by a railroad in the operating of trains by the use of the telegraph, telephone or signal and interlocking switching machines shall be allowed two days of twenty-four hours each in every calendar month for rest with regular compensation; except in a case of extraordinary emergency caused by accident, fire, flood, or danger to life or property, in which case the said period of rest shall be allowed after the emergency is past.

SECTION 2. Any violation of the provisions of this act shall be punished by a fine of not less than one hundred dollars for each offence.

### **VACATIONS.**

Acts of 1914, Chapter 217.

**Vacations of Laborers employed by Cities and Towns.** — SECTION 1. All persons classified as laborers, or doing the work of laborers, and regularly employed by cities or towns for more than one year, shall be granted a vacation of not less than two weeks during each year of their employment, without loss of pay.

SECTION 2. This act shall be submitted to the voters of each of the cities and towns of the commonwealth at the next annual state election for their acceptance or rejection, and shall take effect in any city or town upon its acceptance by a majority of the voters voting thereon in the affirmative.

Acts of 1915, Chapter 60.

Any city in which a majority of the voters at the last state election voted to accept the provisions of chapter two hundred and seventeen of the acts of the year nineteen hundred and fourteen may by vote of the city council, approved by the mayor, or by

vote of the commission in any city under a commission form of government, require the heads of the executive departments to grant a vacation of two weeks without loss of pay to any person regularly employed by such city who is classified as a common laborer, skilled laborer, mechanic or craftsman in the labor service, as classified by the civil service commission, under regulations established by said commission for cities to which the labor rules adopted by the civil service commission are or may become applicable. If such vacations are authorized, they shall be granted by the heads of the executive departments, and shall begin at such times as in the opinion of the heads of the executive departments will cause the least interference with the performance of the regular work of the city.

## HEALTH.

### INSPECTION.

Acts of 1907, Chapter 537, Section 3.

**Duties of Inspectors regarding Health of Minors.** — Every inspector of the state board of labor and industries . . . shall inform himself . . . concerning the health of all minors employed in factories within his district, and, whenever he may deem it advisable or necessary, he shall call the ill-health or physical unfitness of any minor to the attention of his or her parents or employers and of the state board of labor and industries.

Acts of 1907, Chapter 537, Section 5.

The inspectors of the state board of labor and industries shall, under the direction of the said board . . . enforce the provisions of section forty-one of chapter one hundred and four of the Revised Laws [Acts of 1909, chapter 514, section 94] so far as said section provides that factories shall be well ventilated and kept clean. . . .

### LIGHTING, VENTILATION AND CLEANLINESS.

Acts of 1914, Chapter 328, Section 2.

**Rules and Regulations.** — Every factory, workshop, manufacturing, mechanical and mercantile establishment shall be well lighted, well ventilated and kept clean and free from unsanitary conditions, according to such reasonable rules and regulations as may be adopted with reference thereto by the state board of labor and industries.

Acts of 1909, Chapter 514, Section 83.

**Ventilation.** — SECTION 83. A factory in which five or more persons and a workshop in which five or more women or young persons are employed shall, while work is carried on therein, be so ventilated that the air shall not become so impure as to be injurious to the health of the persons employed therein and so that all gases, vapors, dust or other impurities injurious to health, which are generated in the course of the manufacturing process



or handicraft carried on therein shall, so far as practicable, be rendered harmless.

SECTION 84. If, in a workshop, or factory which is within the provisions of the preceding section, any process is carried on by which dust is caused which may be inhaled to an injurious extent by the persons employed therein, and it appears to an inspector of the state board of labor and industries that such inhalation would be substantially diminished without unreasonable expense by the use of a fan or by other mechanical means, such fan or other mechanical means, if he so directs, shall be provided, maintained and used.

SECTION 85. A criminal prosecution shall not be instituted for any violation of the provisions of the two preceding sections unless such employer neglects, for four weeks after the receipt of a notice in writing, to make such changes in his factory or workshop as shall be ordered by an inspector of the state board of labor and industries.

Acts of 1913, Chapter 766.

**Lighting.**—SECTION 1. Upon the request of any member of the inspection department of the district police, or upon the request of any five employees in a factory or workshop, it shall be the duty of the state board of labor and industries established by chapter seven hundred and twenty-six of the acts of the year nineteen hundred and twelve to investigate and ascertain whether or not such factory or workshop is adequately lighted. If said board shall be of the opinion, after such investigation, that the factory or workshop is not properly lighted, it shall notify the owner or the person in charge thereof and shall specify what changes should be made in order to light properly the factory or workshop, and the owner or lessee of such factory or workshop shall make the changes so specified as soon as it can be done by the exercise of reasonable diligence.

SECTION 2. Any owner or lessee of a factory or workshop who fails to comply with any order of the state board of labor and industries made under the provisions of section one of this act, provided that such failure is not the result of causes beyond the control of the owner or lessee, shall be punished by a fine not exceeding five hundred dollars.

**Issuance of Printed Matter on Protection of Eyes. —**

SECTION 1. The inspectors of the state board of labor and industries, or such other officers as the said board may from time to time appoint, shall, when obtaining information concerning the proper lighting of factories, workshops and other industrial establishments, make such investigation concerning the eye and vision in their relation to diseases of occupation, including injuries to the eyes of the employees, and to the pathological effects which are produced or promoted by the circumstances under which the various occupations are carried on, as, in the opinion of said board is practicable, and the board shall from time to time issue such printed matter containing suggestions to employers and employees for the protection of the eyes of the employees as it may deem advisable.

SECTION 2. If it appears to an inspector . . . or other officer appointed by said board, that in any factory, workshop or other industrial establishment, from the nature of the work or of the machinery used in connection therewith, or of other circumstances, there is danger of injury to the eyes of employees engaged in such work, and that the danger of injury may be decreased or prevented by any mechanical device or other practicable means, he shall, if said board so directs, order in writing that such device or other means shall be provided therein; and it shall be the duty of the proprietors and managers of the factory, workshop or other industrial establishment to comply with the order.

SECTION 3. Any person, firm or corporation violating any provision of this act shall be subject to a fine of not less than five nor more than two hundred dollars for every week during which such violation continues: *provided, however*, that a criminal prosecution for any violation hereof shall not be begun unless such person, firm or corporation shall, for a period of four weeks after the receipt of an order in writing from an inspector of the board of labor and industries or other officer, as provided in the preceding section, neglect to comply therewith.

Acts of 1913, Chapter 472.

**Cleaning of Presses by Publishers and Printers.**—All publishers and printers shall use a sanitary cloth or other sanitary material in cleaning their presses.

Revised Laws, Chapter 75, Section 23.

**Sanitation of Bakeries.**—All buildings which are occupied as biscuit, bread or cake bakeries shall be properly drained and plumbed. They shall be provided with a proper wash room and water-closets, having ventilation apart from the bake room or rooms where food products are manufactured; and no water-closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room of any bakery.

Acts of 1909, Chapter 514, Section 78, amended by Acts of 1915, Chapter 117 (General).

**Drinking Water.**—All industrial establishments within this commonwealth shall provide fresh and pure drinking water to which their employees shall have access during working hours. Any person, firm, association or corporation owning, in whole or in part, managing, controlling or superintending any industrial establishment in which the provisions of this section are violated shall, upon complaint of an inspector of the state board of labor and industries, of the board of health of the city or town, or of the selectmen of the town in which the establishment is located be punished by a fine of one hundred dollars for each offence.

Acts of 1909, Chapter 514, Section 104, amended by Acts of 1914, Chapter 557, and by Acts of 1915, Chapter 216 (General).

**Medical Chest and Room for Injured or Sick Employees.**—Every person, firm or corporation operating a factory or shop in which machinery is used for any manufacturing or other purpose except for elevators, or for heating or hoisting apparatus, shall at all times keep and maintain, free of expense to the employees, such medical or surgical chest, or both, as shall be required by the state board of labor and industries, and containing plasters, bandages, absorbent cotton, gauze, and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises. Every

such person, firm or corporation, employing one hundred or more persons, shall, if so required by the state board of labor and industries, provide accommodations, satisfactory to said board, for the treatment of persons injured or taken ill upon the premises. Every person, firm or corporation carrying on a business in a mercantile establishment in which twenty or more women or minors are employed, shall in the manner aforesaid provide such medical and surgical chest as the state board of labor and industries may require. A person, firm or corporation violating any provision of this section shall be punished by a fine of not less than five dollars nor more than five hundred dollars for every week during which such violation continues.

#### **TOILET FACILITIES.**

Acts of 1909, Chapter 514, Section 79, amended by Acts of 1914, Chapter 328, Section 1, and by Acts of 1914, Chapter 726.

**Toilets to be provided.**— In every factory, workshop, manufacturing, mechanical, mercantile or other establishment, there shall be provided suitable, adequate and convenient water-closets and washing facilities, separate for each sex and plainly so designated, of such number, in such location and so constructed, lighted, ventilated, arranged and maintained as may be determined by such reasonable rules and regulations as the state board of labor and industries may adopt with reference thereto. No person shall be allowed to use a closet or privy which is provided for the use of persons of the opposite sex. If any such establishment is so located that a connection with a sewer system is, in the opinion of the said board, impossible or impracticable, it shall provide such suitable toilet and washing facilities as may be required by the said board.

Acts of 1914, Chapter 164.

**Defacing of Toilet Appliances.**— Whoever wilfully destroys, defaces, injures or defiles any toilet appliances provided in any place of employment shall be punished by a fine of not more than fifty dollars.

Acts of 1909, Chapter 514, Section 80, amended by Acts of 1910, Chapter 259, Section 1.

**Making of Changes.** — The owner, lessee or occupant of any premises which are used as described in the preceding section shall make the changes necessary to conform thereto. If such changes are made upon the order of an inspector of the board of labor and industries, by the occupant or lessee of the premises, he may, within thirty days after the completion thereof bring an action against any other person who has an interest in such premises, and may recover such proportion of the expense of making such changes as the court adjudges should justly and equitably be borne by the defendant.

Acts of 1909, Chapter 514, Section 81.

**Notice of Neglect or Fault to be sent to Board of Health by Inspectors.** — If it appears to an inspector of the board of labor and industries that any act, neglect or fault in relation to any drain, water closet, earth closet, privy, ashpit, water supply, nuisance or other matter in a factory or workshop included under the provisions of section seventy-nine, is punishable or remediable under the provisions of chapter seventy-five of the Revised Laws or any other law relative to the preservation of the public health, but not under the provisions of this chapter, he shall give notice in writing thereof to the board of health of the city or town in which such factory or workshop is situated, and such board of health shall thereupon inquire into the subject of the notice and enforce the laws relative thereto.

Acts of 1909, Chapter 514, Section 82, amended by Acts of 1910, Chapter 259, Section 2.

**Penalty.** — A criminal prosecution shall not be instituted against a person for a violation of the provisions of sections seventy-nine and eighty until four weeks after notice in writing by an inspector of the board of labor and industries, of the changes necessary to be made to comply with the provisions of said sections has been sent by mail or delivered to such person, nor if such changes shall have been made in accordance with such notice. A notice shall be sufficient under the provisions of this section if given to one member of a firm, or to the clerk,



cashier, secretary, agent or any other officer who has charge of the business of a corporation, or to its attorney; and in case of a foreign corporation, to the officer who has the charge of such factory or workshop; and such officer shall be personally liable for the amount of any fine if a judgment against the corporation is returned unsatisfied.

Acts of 1909, Chapter 514, Section 102.

**Room in which Men may change their Clothes.**—The proprietor of every foundry engaged in the casting of iron, brass, steel or other metal, and employing ten or more men, shall establish and maintain, except in cities or towns in which it would be impracticable by reason of the absence of public or private sewerage or of any running water system, a toilet room of suitable size and condition for the men to change their clothes therein, and provided with wash bowls, sinks or other suitable set appliances connected with running hot and cold water, and also a water closet connected with running water and separated from the said toilet room. The said water closet and toilet room shall be connected directly with the foundry building, properly heated, ventilated and protected, so far as may be reasonably practicable, from the dust of the foundry. Whoever fails to comply with the provisions of this section, after being requested so to do by an inspector of the state board of labor and industries, shall be punished by a fine of not more than fifty dollars for each offence.

### EXPECTORATION.

Acts of 1906, Chapter 165, Section 1, amended by Acts of 1907, Chapter 410, Section 1, and by Acts of 1908, Chapter 150, Section 1.

**Expectoration.**—No person shall expectorate or spit . . . except in receptacles provided for the purpose . . . in or upon any part of . . . any mill or factory. . . .

Acts of 1906, Chapter 165, Section 2, amended by Acts of 1907, Chapter 410, Section 2.

**Penalty.**—Whoever violates any provision of this act shall be punished by a fine of not more than twenty dollars. Any person detected in the act of violating any provision of this act

may be arrested by any officer authorized to serve criminal process in the place where the offence is committed and kept in custody until he can be taken before a court which has jurisdiction of such offence; and if his name is unknown to the officer who makes the arrest, he may be arrested without a warrant.

Acts of 1909, Chapter 514, Section 103.

**Receptacles.** — Suitable receptacles for expectoration shall be provided in all factories and workshops by the proprietors thereof, the same to be of such form and construction and of such number as shall be satisfactory to the board of health of the city or town in which the factory or workshop is situated.

### **SUCTION SHUTTLES.**

Acts of 1911, Chapter 281.

**Suction Shuttles.** — SECTION 1. It shall be unlawful for any proprietor of a factory or any officer or agent or other person to require or permit the use of suction shuttles, or any form of shuttle in the use of which any part of the shuttle or any thread is put in the mouth or touched by the lips of the operator. It shall be the duty of the state board of labor and industries to enforce the provisions of this act.

SECTION 2. Violations of this act shall be punished by a fine of not less than fifty dollars for each offence.

### **DUST.**

**Ventilation.** (*See Ventilation, page 61.*)

Acts of 1909, Chapter 514.

**Protection from Dust.** — SECTION 86. Any person, firm or corporation operating a factory or workshop in which emery wheels or belts or buffing wheels or belts injurious to the health of employees are used shall provide such wheels and belts with a hood or hopper connected with suction pipes, and with fans or blowers, in accordance with the provisions hereinafter contained, which apparatus shall be so placed and operated as to protect any person using such wheel or belt from the particles or dust

produced by its operation, and to convey the particles or dust either outside of the building or to some receptacle so placed as to receive and confine such particles or dust.

SECTION 87. Every such wheel shall be fitted with a sheet iron or cast iron hood or hopper of such form and so placed that the particles or dust produced by the operation of the wheel or of any belt connected therewith shall fall or will be thrown into such hood or hopper by centrifugal force; and the fans or blowers shall be of such size and shall be run at such speed as will produce a volume and velocity of air in the suction and discharge pipes sufficient effectually to convey all particles or dust from the hood or hopper through the suction pipes and so outside of the building or to a receptacle as aforesaid. The suction pipes and connections shall be suitable and efficacious, and such as shall be approved by an inspector of the state board of labor and industries.

SECTION 88. The two preceding sections shall not apply to grinding machines upon which water is used at the point of grinding contact, nor to solid emery wheels used in saw mills or in planing mills or in other wood working establishments, nor to any emery wheel six inches or less in diameter used in establishments where the principal business is not emery wheel grinding.

Acts of 1909, Chapter 514, Section 89, amended by Acts of 1915, Chapter 116 (General).

**Penalty.**—Inspectors of the state board of labor and industries, upon receipt of notice in writing, signed by any person having knowledge of the facts, that any factory or workshop as aforesaid is not provided with the apparatus prescribed in sections eighty-six and eighty-seven of this act shall visit and inspect such factory or workshop, and for that purpose they are authorized to enter any such factory or workshop during working hours; and if they ascertain, in the foregoing or in any other manner, that the owner, proprietor or manager thereof has failed to comply with the provisions of said sections, they shall make complaint to a court or judge having jurisdiction, and cause such owner, proprietor or manager to be prosecuted.

Acts of 1909, Chapter 514, Section 90, amended by Acts of 1915, Chapter 69 (General).

Whoever fails to comply with any provision of sections eighty-three to eighty-nine, inclusive, shall, for the first offence be punished by a fine of not less than twenty-five nor more than one hundred dollars, and, for a second offence he shall be punished by the fine aforesaid or by imprisonment in jail for not more than sixty days or by both such fine and imprisonment.

### **HUMIDITY.**

Acts of 1908, Chapter 325.

**Humidity in Factories and Workshops.**—SECTION 1. The water used for humidifying purposes by any person, firm or corporation operating a factory or workshop, shall be of such a degree of purity as not to give rise to any impure or foul odors, and shall be so used as not to be injurious to the health of persons employed in such factories or workshops.

SECTION 2. Any person, firm or corporation violating any provision of this act shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one thousand dollars.

SECTION 3. The inspectors of the state board of labor and industries shall, under the direction of said board, enforce the provisions of this act.

Acts of 1919, Chapter 543.

**Humidity in Textile Factories.**—SECTION 1. In every weaving and spinning department in a textile factory wherein water is introduced for humidifying purposes there shall be provided, maintained and kept in correct working order, for the purpose of recording and regulating the humidity of the atmosphere and the temperature, at least one set of standardized wet and dry bulb thermometers, and, if required by an inspector of the state board of labor and industries two sets of such thermometers, and the following regulations shall be observed in the use of the thermometers: (a) The thermometers shall be placed as directed or sanctioned by an inspector of the state board of labor and industries, and shall be plainly visible to the workers. (b) The occupier or manager or person for the time being in

charge of the weaving or spinning department in question shall read the thermometers thrice in the day, namely, between seven and eight o'clock in the forenoon, between ten and eleven o'clock in the forenoon and between three and four o'clock, except in rooms which are lighted by gas, and then between four and five o'clock, in the afternoon of every day on which any persons are employed in any weaving or spinning department, and he shall record the readings of each thermometer in such department at each of the said times upon a form provided for the purpose, which, together with the regulations relating thereto, shall be furnished by the state board of labor and industries. The records of the readings shall not be destroyed until they have first been seen by an inspector of the state board of labor and industries in whose district the factory is situated, and then not without his knowledge and consent.

SECTION 2. Section one shall not apply to textile factories already equipped with, or which become equipped with, such a number and type of standardized self-registering hygrometers or psychrometers, or hygrometric system, as meet the approval of the state board of labor and industries, provided that the manner of using the same is approved by an inspector of the state board of labor and industries in whose district the factory is situated, and provided that the records of the readings from the said hygrometers, or hygrometric system installed, are not destroyed without the knowledge and consent of said inspector.

SECTION 3. Section one shall not apply to textile factories the occupier or manager or person in charge of which makes use of the sling hygrometer with the express purpose of quickly and accurately determining the actual moisture and temperature of a weaving or spinning department as frequently and in such a manner as is approved by an inspector of the state board of labor and industries in whose district the factory is situated, and provided that the records of the readings from the use of the said hygrometer are not destroyed without the knowledge and permission of said inspector.

SECTION 4. No owner, occupier or manager or person for the time being in charge of a textile factory shall permit the relative



humidity in a weaving or spinning department in the textile factory under his control to exceed the following limits:

I. Dry Bulb Ther- mometer Readings. Degrees Fahr.	II. Wet Bulb Ther- mometer Readings. Degrees Fahr.	III. Percentage of Humidity.	I. Dry Bulb Ther- mometer Readings. Degrees Fahr.	II. Wet Bulb Ther- mometer Readings. Degrees Fahr.	III. Percentage of Humidity.
60	58	88	78	73.5	77
61	59	88	79	74.5	77.5
62	60	88	80	75.5	77.5
63	61	88	81	76	76
64	62	88	82	76.5	74
65	63	88	83	77.5	74
66	64	88	84	78	72
67	65	88	85	79	72
68	66	88	86	80	72
69	67	88	87	80.5	71
70	68	88	88	81.5	71
71	68.5	85.5	89	82.5	71
72	69	84	90	83	69
73	70	84	91	83.5	68
74	70.5	81.5	92	84.5	68
75	71.5	81.5	93	85.5	68
76	72	79	94	86	66
77	73	79	95	87	66

SECTION 5. Water used for humidifying purposes\* in a textile factory shall be taken either from a public supply of drinking water, or from some other source of pure water, or from a supply of water which, although in the opinion of the state board of labor and industries not suitable for drinking purposes is sufficiently free from impurities as not to be dangerous to the health of employees when used for humidifying purposes; and all ducts for the introduction or distribution of humidified air shall be kept clean.

SECTION 6. This act shall be enforced by the inspectors of the state board of labor and industries under the supervision of said board. Whoever fails to comply with the provisions contained herein after being requested so to do by an inspector of the state board of labor and industries shall be fined not more than fifty dollars for each offence.

SECTION 7. To provide for the expenses necessary in carrying out the provisions of this act, in connection with and in addition to the duties provided for by chapter five hundred and thirty-seven of the acts of the year nineteen hundred and seven, there may be expended out of the treasury of the commonwealth annually a sum not exceeding one thousand dollars in addition to the five thousand dollars provided for by section seven of said chapter five hundred and thirty-seven.

## DANGEROUS MACHINERY.

### GUARDING, COMMUNICATION, ETC.

Acts of 1909, Chapter 514, Section 94, amended by Acts of 1912, Chapter 318, Acts of 1913, Chapter 836, Section 13, and by Acts of 1914, Chapter 328.

**Guarding of Machinery.**—SECTION 2. The belting, shafting, gearing, drums and all machinery having movable parts in all factories, mechanical establishments, workshops and mercantile establishments if so placed as, in the opinion of the state board of labor and industries, to be dangerous to employees therein while engaged in their ordinary duties, shall be, so far as is practicable, securely guarded. No machinery except steam engines in a factory, mechanical establishment, workshop or mercantile establishment shall be cleaned while running if objection in writing is made by one of the inspectors of said board.

SECTION 3. Nothing in this act shall be construed as applying to the belting, shafting, gearing, drums or machinery used in the operation of elevators, nor in any way as affecting the powers of the board of elevator regulations given by chapter eight hundred and six of the acts of the year nineteen hundred and thirteen.

Acts of 1909, Chapter 514.

**Communication with Engineer's Room.**—SECTION 91. In every manufacturing establishment in which the machinery is propelled by steam, communication shall be provided between each room in which such machinery is placed and the room in which the engineer is stationed by means of speaking tubes, electric bells or appliances to control the motive power, or such other means as shall be satisfactory to the inspectors of the state board of labor and industries, if in the opinion of the inspectors such communication is necessary. Whoever, being the occupant or controlling the use of any such manufacturing establishment, violates the provisions of this section shall forfeit to the commonwealth not less than twenty-five nor more than one hundred dollars.

SECTION 92. No prosecution for a violation of the provisions of the preceding section shall be commenced until four weeks after notice in writing by an inspector has been sent by mail to

such person, firm or corporation of any changes necessary to be made to comply with the provisions of said section, nor if such changes shall have been made in accordance with such notice.

Acts of 1909, Chapter 514, Section 101.

**Protection from Flying Shuttles.** — Any person, firm or corporation owning, managing or operating factories in this commonwealth in which looms are employed shall equip the looms with such guards or other devices as will prevent injury to employees from shuttles falling or being thrown from the looms. Such guards or devices shall be made of such material and placed in such manner as shall be approved by the state board of labor and industries, who are hereby directed to enforce the provisions of this section. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars for every week during which such violation continues.

Acts of 1909, Chapter 514, Section 95.

**Traversing Machinery in Cotton Factories.** — The owner of a cotton factory which shall have been erected subsequently to the twenty-eighth day of May in the year eighteen hundred and ninety-six, in which there is any traversing carriage of a self-acting mule installed, or of any cotton factory erected previously to such date in which hereafter such traversing carriage is installed, who permits such carriage to travel within twelve inches of any pillar, column, pier or fixed structure, shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence.

Acts of 1909, Chapter 514, Section 96, amended by Acts of 1913, Chapter 806, Section 13.

**Hatchways and Other Openings to be protected.** — The openings of hoistways, hatchways and well holes upon every floor of a factory or mercantile or public building shall be protected by sufficient trap doors or self-closing hatches and safety catches, or such other safeguards as the inspectors of the state board of labor and industries direct; and due diligence shall be used to keep such trap doors closed at all times, except when in actual

use by the occupant of the building who has the use and control of the same.

Acts of 1909, Chapter 514, Section 100.

**Explosives and Inflammables.**—Explosive or inflammable compounds shall not be used in any factory in such place or manner as to obstruct or render hazardous the egress of operatives in case of fire.

**Children forbidden to clean Machinery in Motion.** (*See Minors, Miscellaneous, page 41.*)



## HOME WORK.

Acts of 1909, Chapter 514.

**Tenement House Clothing.** — SECTION 106. A room or apartment in a tenement or dwelling house shall not be used for the purpose of making, altering, repairing or finishing therein coats, vests, trousers or wearing apparel of any description, except by the members of the family dwelling therein; and a family which desires to make, alter, repair or finish coats, vests, trousers or wearing apparel of any description in a room or apartment in a tenement or dwelling house shall first procure a license therefor from the state board of labor and industries. A license may be applied for by, and issued to, any member of a family which desires to do such work. No person, partnership or corporation shall hire, employ or contract with a member of a family which does not hold a license therefor to make, alter, repair or finish garments or articles of wearing apparel as aforesaid, in any room or apartment in a tenement or dwelling house as aforesaid. Every room or apartment in which garments or articles of wearing apparel are made, altered, repaired or finished shall be kept in a cleanly condition and shall be subject to the inspection and examination of the inspectors of the state board of labor and industries for the purpose of ascertaining whether said room or apartment or said garments or articles of wearing apparel or any parts thereof are clean and free from vermin and from infectious or contagious matter. A room or apartment in a tenement or dwelling house which is not used for living or sleeping purposes, and which is not connected with a room or apartment used for living or sleeping purposes and which has a separate and distinct entrance from the outside shall not be subject to the provisions of this section, nor shall the provisions of this section prevent the employment of a tailor or seamstress by any person or family for the making of wearing apparel for the use of such person or family. Every person, firm or corporation hiring, employing or contracting with a member of a family holding a license under this section for the making, altering, repairing or finishing of garments or wearing apparel to be

done outside the premises of such person, firm or corporation, shall keep a register of the names and addresses plainly written in English of the persons so hired, employed or contracted with, and shall forward a copy of such register once a month to the state board of labor and industries.

SECTION 107. If an inspector finds evidence of infectious or contagious disease or of vermin present in a workshop or in a room or apartment in a tenement or dwelling house in which garments or articles of wearing apparel are made, altered or repaired, or in goods manufactured or in process of manufacture therein, he shall report the same to the state board of labor and industries, who shall then notify the local board of health to examine said workshop, room or apartment and the materials used therein; and if the board of health finds that said workshop or tenement or dwelling house is in an unhealthy condition, and that the clothing and materials used therein are unfit for use, it shall issue such orders as the public safety may require.

SECTION 108. Whoever sells or exposes for sale coats, vests, trousers or wearing apparel of any description which have been made in a tenement or dwelling house in which the family dwelling therein has not procured a license, as required by section one hundred and six, shall have affixed to each of said garments a tag or label not less than two inches in length and one inch in width, upon which shall be legibly printed or written the words "tenement-made" and the name of the state and the city or town in which the garment was made.

SECTION 109. No person shall sell or expose for sale any of said garments without a tag or label as aforesaid affixed thereto, nor wilfully remove, alter or destroy such tag or label upon any of said garments when exposed for sale, nor sell or expose for sale any of said garments with a false or fraudulent label affixed thereto.

SECTION 110. If it is reported to said inspector or to the state board of labor and industries that ready-made coats, vests, trousers, overcoats or other garments are being shipped to this commonwealth, having been manufactured under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture, and if they are found to contain vermin

or to have been made in improper places or under unhealthy conditions, he shall so report to the state board of labor and industries, which shall thereupon make such orders as the public safety may require.

SECTION 111. Whoever violates any of the provisions of the five preceding sections shall be punished by a fine of not less than fifty nor more than five hundred dollars.

## GENERAL.

### WAGES, FINES, ETC.

Acts of 1909, Chapter 514, Section 21, amended by Acts of 1914, Chapter 474.

**Prevailing Rate of Wages.**—SECTION 1. In the employment of mechanics and laborers in the construction of public works by the commonwealth, or by a county, city or town, or by persons contracting therewith, preference shall be given to citizens of the commonwealth, and, if they cannot be obtained in sufficient numbers, then to citizens of the United States; and every contract for such works shall contain a provision to this effect. The wages for a day's work paid to mechanics employed in such construction of public works shall be not less than the customary and prevailing rate of wages for a day's work in the same trade or occupation in the locality, city or town where such public works are constructed. Any contractor who knowingly and wilfully violates the provisions of this section shall be punished by a fine of not more than one hundred dollars for each offence.

SECTION 2. The board of labor and industries shall enforce the provisions of this act, and in case of any dispute that may arise upon public works as to the customary and prevailing rate of wages the board of labor and industries shall investigate the wages paid in the trade or occupation in the locality, city or town where such public works are under construction and decide what rate of wages shall be paid upon such works.

**Preference of Citizens.** (*See* page 92.)

Acts of 1909, Chapter 514, Section 112, amended by Acts of 1910, Chapter 350; Acts of 1911, Chapter 208; Acts of 1914, Chapter 247; and by Acts of 1915, Chapter 75 (General).

**Weekly Payment of Wages.**—Every person, firm or corporation engaged in carrying on a factory, workshop, manufacturing, mechanical or mercantile establishment, mine, quarry, railroad or street railway, or a telephone, telegraph, express or water company, or in the erection, alteration, repair or removal of any building or structure, or the construction or repair of any railroad, street railway, road, bridge, sewer, gas, water or electric

light works, pipes or lines, shall pay weekly each employee engaged in his or its business the wages earned by him to within six days of the date of said payment, but any employee leaving his or her employment, shall be paid in full on the following regular pay day; and any employee discharged from such employment shall be paid in full on the day of his discharge, or in the city of Boston as soon as the provisions of law requiring pay rolls, bills and accounts to be certified shall have been complied with; and the commonwealth, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every person employed by it or them in any penal or charitable institution, and every county and city shall so pay every employee who is engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee of a co-operative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly. The public service commission, after a hearing, may exempt any railroad corporation from paying weekly any of its employees if it appears to the board that such employees prefer less frequent payments, and that their interests and the interests of the public will not suffer thereby. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this and the following section. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Acts of 1909, Chapter 514, Section 113.

The state board of labor and industries may make a complaint against any person for a violation of the provisions of the preceding section. Complaints for such violation shall be made within thirty days after the date thereof, and, on the trial, no defence for failure to pay as required, other than the attachment



of such wages by the trustee process or a valid assignment thereof or a valid set-off against the same, or the absence of the employee from his regular place of labor at the time of payment, or an actual tender to such employee at the time of payment of the wages so earned by him, shall be valid. The defendant shall not set up as a defence a payment of wages after the bringing of the complaint. An assignment of future wages which are payable weekly under the provisions of this act shall not be valid if made to the person from whom such wages are to become due or to any person on his behalf or if made or procured to be made to another person for the purpose of relieving the employer from the obligation to pay weekly. The word "person" in this section shall include the corporations, contractors, persons and partnerships described in the preceding section.

Acts of 1911, Chapter 249, Section 1.

**Pay Day.**—Manufacturing corporations and contractors, persons or partnerships engaged in any manufacturing business wherein one hundred employees or more are employed shall, on the day chosen as pay day, pay such of their employees as are on that day working in the manufacturing establishment, before the close of the regular working hours.

Acts of 1911, Chapter 249, Section 2.

Whoever violates the provisions of this act shall be punished by a fine of not more than fifty dollars.

Acts of 1915, Chapter 214 (General).

A justice or clerk of a police, municipal or district court, or a trial justice may, upon the application of any employee issue a summons to an employer to appear and show cause why a warrant should not issue against him for a violation of section one hundred and twelve of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine. Upon the return of such summons and after a hearing the justice may issue a warrant upon the complaint of any such employee.

Acts of 1909, Chapter 514, Section 119.

**Deductions for Stopping of Machinery.** — Deductions shall not be made from the wages of women and minors who are paid by the day or hour, and are employed in manufacturing or mechanical establishments, for time during which the machinery is stopped, if said women and minors are refused the privilege of leaving the mill while the damage to said machinery is being repaired; and if such employees are detained in their work rooms during the time of the breaking down of machinery, they shall not be compelled to make up time lost by such break-down unless they are compensated therefor at their regular rates of wages. Whoever violates the provisions of this section shall be punished by a fine of not more than twenty dollars for each offence.

Acts of 1909, Chapter 514, Section 120.

**Discharge without Notice.** — A person who being engaged in manufacturing requires from his employees, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ shall be liable to a like forfeiture, if, without similar notice, he discharges an employee.

Acts of 1909, Chapter 514, Section 114.

**Specifications for Weavers.** — The system used by manufacturers of grading the work of a weaver shall not affect or lessen the wages of the weaver, except for imperfections in his own work; and in no case shall the wages of those engaged in weaving be affected by fines or otherwise unless the imperfections complained of are first exhibited and pointed out to the person whose wages are to be affected; and a fine shall not be imposed upon any person for imperfect weaving unless the provisions of this section are first complied with and the amount of the fines are agreed upon by both parties. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars for the first offence, and by a fine of not more than three hundred dollars for each subsequent offence.

## Acts of 1909, Chapter 514, Section 115.

The occupier or manager of every cotton factory shall supply to each person who is engaged as a weaver in said factory and is paid by the piece, cut or yard, a printed or written ticket with each warp which shall contain the following specifications as to the work to be done and wages paid: — the number of cuts, the number of yards per cut or piece, the price per yard, cut or piece, the number of picks per inch and the number of reeds to the inch. Said occupier or manager shall also supply to each person who is engaged as a frame tender a specification of the number of roving and price per hank or hanks; and to each person engaged as a warper or web drawer a specification of the number of threads in the warp and the rate of compensation; and to each operative who is paid by the pound a specification of the price to be paid per pound or pounds; said specification to be furnished in each case on a printed or written ticket within three days after the time when said operative begins work.

## Acts of 1909, Chapter 514, Section 116, amended by Acts of 1911, Chapter 263.

The occupier or manager of every textile factory shall post in every room where any employees work by the job, in legible writing or printing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them, and the rate of compensation. Such specifications in the case of weaving rooms shall state the intended and maximum length of a cut or piece, the count per inch of reed, and the number of picks per inch, width of loom, width of cloth woven in the loom, and the price per cut or piece, or per pound; or, if payment is made per pick or per yard, the price per pick or per yard; and each warp shall bear a designating ticket or mark of identification. In roving or spinning rooms, the number of roving or yarn and the price per hank for each size of machine shall be stated; and each machine shall bear a ticket stating the number of the roving or yarn made upon it. The maximum length of a cut or piece shall not exceed three per cent of its intended length; but if it appears that a

variation in excess of the amount hereinbefore set forth has been caused in whole or in part by any weaver in the employ of any person charged with the violation of this act, this shall be deemed a sufficient defence to a prosecution.

Acts of 1909, Chapter 514, Section 117.

The members of the inspection department of the state board of labor and industries shall enforce the provisions of the two preceding sections. They may go into any room, mill or factory to ascertain the facts relative to any work done therein or coming from any other room, mill or factory, and to take the measurements of such work.

Acts of 1909, Chapter 514, Section 118.

**Penalty.** — The occupier or manager of a cotton factory who fails to comply with the provisions of section one hundred and fifteen or the occupier or manager of a textile factory who fails to comply with the provisions of section one hundred and sixteen, or any person who interferes with the inspectors of the state board of labor and industries in the performance of their duties under the provisions of the preceding section shall be punished by a fine of not less than twenty-five nor more than fifty dollars for the first offence, and by a fine of not less than fifty nor more than one hundred dollars for each subsequent offence.

Acts of 1911, Chapter 584.

**Fines for Imperfect Weaving.** — No employer shall impose a fine upon an employee engaged at weaving for imperfections that may arise during the process of weaving.

Any employer who violates the provisions of this act shall be punished by a fine not exceeding one hundred dollars for the first offence, and not exceeding three hundred dollars for any subsequent offence.

Acts of 1909, Chapter 514, Section 24.

**Employer may not impose Bond in Certain Cases.** — A corporation which is engaged in carrying passengers or in transporting freight for hire shall not require or receive from a person

who is employed or about to be employed by it a bond or other security, either with or without surety, to indemnify such corporation against loss or damage to other persons or to property resulting from the act or neglect of such person, except a bond to account for money or other property of such corporation. A corporation or a person in its behalf who violates the provisions of this section shall be punished by a fine of not more than fifty dollars for the first offence and of not more than one hundred dollars for each subsequent offence.

### **TRADE UNIONS.**

Acts of 1909, Chapter 514, Section 31.

**Registration of Union Insignia.**—The insignia, ribbons, badges, rosettes, buttons and emblems of any society, association or labor union may be registered in the office of the secretary of the commonwealth in the manner and subject to the provisions, so far as they are applicable, set forth in section seven of chapter seventy-two of the Revised Laws in regard to labels; and the secretary is hereby authorized to make regulations and prescribe forms for such registration.

Acts of 1909, Chapter 514, Section 30.

**Exempt from Insurance Laws.**—Trade unions and other associations of wage workers whose principal objects are to deal with the relation between employers and employees relative to wages, hours of labor and other conditions of employment shall not be subject to the provisions of chapters one hundred and nineteen and one hundred and twenty of the Revised Laws and chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven or of such other provisions of law as relate to insurance companies or associations.

Acts of 1909, Chapter 514, Section 19.

**Coercion as to joining Union.**—No person shall, himself or by his agent, coerce or compel a person into a written or oral agreement not to join or become a member of a labor organization as a condition of his securing employment or continuing in the employment of such person.



## **INFLUENCING, PROCURING AND ADVERTISING FOR EMPLOYEES.**

Acts of 1909, Chapter 514, Section 28, amended by Acts of 1912, Chapter 495.

**Corrupt Influencing of Employees.**—Whoever corruptly gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, with intent to influence his action in relation to the business of his principal, employer or master; or an agent, employee or servant who corruptly requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to the business of his principal, employer or master; or an agent, employee or servant, who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer, or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment for not more than one year; except that if the person who commits the said offence acts as agent or officer of any person, partnership or corporation to employ persons as clerks, laborers or otherwise, the offence shall be felony punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the state prison for not more than three years. The district attorneys in their respective districts shall prosecute all violations of this section.

Acts of 1909, Chapter 514, Section 29.

No person shall be excused from attending, testifying or producing books, papers, contracts, agreements and documents before any court or in obedience to the subpœna of any court having jurisdiction of the offence described in the preceding section on

the ground or for the reason that the testimony or evidence, documentary or otherwise required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be liable to any suit or prosecution, civil or criminal, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience to its subpœna or in any such case or proceeding.

Acts of 1910, Chapter 445, amended by Acts of 1914, Chapter 347.

**Procuring Employees during Strike.** — SECTION 1. If an employer, during the continuance of a strike among his employees, or during the continuance of a lockout or other labor trouble among his employees, publicly advertises in newspapers, or by posters or otherwise, for employees, or by himself or his agents solicits persons to work for him to fill the places of strikers, he shall plainly and explicitly mention in such advertisements or oral or written solicitations that a strike, lockout or other labor disturbance exists among his employees.

SECTION 2. No employer, during the continuance of a strike, lockout or other labor trouble among his employees, shall directly or indirectly procure or attempt to procure persons to fill the places of employees involved in such strike, lockout or other labor trouble, if such persons are or have been solicited by means of advertisements or oral or written statements in which it has not been plainly and explicitly mentioned that a strike, lockout or other labor trouble exists in the establishment where such persons are to be employed. This provision shall apply whether such advertisements or oral or written solicitations were made within or without the commonwealth.

SECTION 3. No person, firm, association or corporation, during the continuance of a strike, lockout or other labor trouble among the employees of another person, firm, association or corporation, shall procure, or attempt to procure, or assist in any way in procuring, or attempting to procure persons to work for such other person, firm, association, or corporation, to fill the places of employees involved in such strike, lockout or other labor trouble, if such persons are or have been solicited by advertisements or oral

or written statements, whether made within or without the commonwealth, in which it has not been plainly and explicitly mentioned that a strike, lockout or other labor trouble exists in the establishment where such persons are to be employed.

Acts of 1910, Chapter 445, amended by Acts of 1914, Chapter 347, and by Acts of 1915, Chapter 108 (General).

SECTION 4. Any person, firm, association or corporation violating any provision of this act shall, upon complaint of and after investigation by the state board of conciliation and arbitration, be punished by a fine not exceeding one hundred dollars for each offence.

Acts of 1910, Chapter 445, amended by Acts of 1912, Chapter 545, and by Acts of 1914, Chapter 347.

SECTION 5. The provisions of this act shall cease to be operative when the state board of conciliation and arbitration shall determine that the business of the employer, in respect to which the strike or other labor trouble occurred, is being carried on in the normal and usual manner and to the normal and usual extent. Said board shall determine this question as soon as may be, upon the application of the employer.

SECTION 6. Chapter four hundred and forty-five of the acts of the year nineteen hundred and ten and chapter five hundred and forty-five of the acts of the year nineteen hundred and twelve are hereby repealed as to all offences committed after this act takes effect.

Acts of 1909, Chapter 514, Section 27.

**Fraudulent Advertising for Help.**—Whoever knowingly causes to be printed or published a false or fraudulent notice or advertisement for help or for obtaining work or employment shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than three months or by both such fine and imprisonment.

Acts of 1909, Chapter 514, Section 25.

**Solicitation by Public Officials.**—No railroad, street railway, electric light, gas, telegraph, telephone, water or steamboat company shall appoint, promote, reinstate, suspend or discharge

any person employed or seeking employment by any such company at the request of the governor, lieutenant-governor, or any member or member elect of the council or of the general court, or candidate therefor, justice of the supreme judicial court, justice of the superior court, judge of probate, justice of a police, district or municipal court, district attorney, member or member elect of a board of county commissioners, or candidate for county commissioner, member or member elect of a board of aldermen, or selectmen, or city council, or any executive, administrative or judicial officer, clerk or employee of any branch of the government of the commonwealth or of any county, city or town; nor shall any such public officer or body, or any member or member elect thereof or candidate therefor, directly or indirectly advocate, oppose, or otherwise interfere in, or make any request, recommendation, endorsement, requirement or certificate relative to, and the same, if made, shall not be required as a condition precedent to, or be in any way regarded or permitted to influence or control, the appointment, promotion, reinstatement or retention of any person employed or seeking employment by any such corporation, and no such person shall solicit, obtain, exhibit, or otherwise make use of any such official request, recommendation, certificate or endorsement in connection with any existing or desired employment by a public service corporation. Any person or corporation violating the provisions of this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offence.

Acts of 1909, Chapter 514, Section 26.

The offices of probation officer, notary public and justice of the peace, prison officer, agent of the prison commissioners and agent of the state board of charity shall not be considered public offices within the meaning of the preceding section.

Acts of 1909, Chapter 514, Section 18.

**Intimidation of Employees.** — No person shall, by intimidation or force, prevent or seek to prevent a person from entering into or continuing in the employment of any person or corporation.

Acts of 1912, Chapter 358.

**Interference with Employment because of Service in Militia.**—Any person who wilfully either deprives a member of the militia or naval reserve of his employment, or denies him employment, or prevents his being employed by another, or obstructs or annoys him or his employer in respect of his trade, business, or employment, because of such member's connection with the militia or naval reserve or because of his necessary absence from business in performance of his duty as such member, and whoever dissuades any person from enlisting in the militia or naval reserve by threat of injury to him in respect of his employment, trade or business or of other injury, in case he shall so enlist, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

#### **GENERAL DUTIES OF INSPECTORS.**

Revised Laws, Chapter 108, Section 8, amended by Acts of 1907, Chapter 413.

**Powers and Duties.**—The inspectors of the state board of labor and industries shall, except as otherwise provided in chapters one hundred and four [and] one hundred and five . . . enforce the provisions thereof and all other provisions of law relative to the employment of women and minors in manufacturing, mechanical and mercantile establishments, the employment of children, young persons or women in factories or workshops, the lighting and ventilation of factories or workshops, the keeping of them clean, and the securing of proper sanitary provisions therein, and the making of clothing in unsanitary conditions. For such purposes, said inspectors may enter all buildings and parts thereof which are subject to the provisions of said chapters and examine the methods of protection from accident, the means of escape from fire, the sanitary provisions, the lighting and the means of ventilation, and may make investigations as to the employment of children, young persons and women.



**PREFERENCE OF CITIZENS.**

Acts of 1914, Chapter 600.

SECTION 1. In all work of any branch of the service of the commonwealth, or of any city or town therein, citizens of the commonwealth shall be given preference.

SECTION 2. The civil service commission shall not place upon its lists any person not a citizen of the United States.

SECTION 3. If an appointing officer, because of the non-existence of a list of eligible appointees, appoints under provisional authority from the civil service commission a person not a citizen of the United States, he shall discharge the person so appointed and appoint from the eligible list whenever the civil service commission establishes a list of the proper class.

SECTION 4. Whenever the attention of the civil service commission shall be called by complaint on the part of any citizen of the commonwealth to the employment of a non-citizen when there is a list of eligibles existing, the commission shall take steps to enforce the dismissal of such non-citizen and the appointment in his place from the suitable eligible list.

SECTION 5. Whenever it shall appear that any appointing officer has had due notice of unlawful employment of a non-citizen and that the said appointing officer has continued such employment for ten days after such notice, he shall be subject to a fine of not less than ten nor more than one hundred dollars for each offence.

**MISCELLANEOUS.**

Acts of 1909, Chapter 514, Section 45.

**Time allowed for Voting.** — No person entitled to vote at an election shall, upon the day of any such election, be employed in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, during the period of two hours after the opening of the polls in the voting precinct or town in which he is entitled to vote, if he shall make application for leave of absence during such period. An owner, superintendent or overseer in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, who employs or permits to be

employed therein any person entitled to vote at a state election, during the period of two hours after the opening of the polls in the voting precinct or town in which such person is entitled to vote, if he shall make application for leave of absence during such period, shall be punished by a fine of not more than one hundred dollars.

Acts of 1909, Chapter 514, Section 33.

**Use of Bells and Whistles by Manufacturers.** — Manufacturers and others who employ workmen may, for the purpose of giving notice to them, ring bells and use whistles and gongs of such size and weight and in such manner and at such hours as the board of aldermen of cities and the selectmen of towns may designate in writing.

Acts of 1909, Chapter 514, Section 20.

**Lodgings of Public Employees.** — Every employee in public work shall lodge, board and trade where and with whom he elects, and no person or his agents or employees under contract with the commonwealth, a municipal corporation or a county, or with a board, commission or officer acting therefor, for the doing of public work shall, directly or indirectly, require, as a condition of employment therein, that the employee shall lodge, board or trade at a particular place or with a particular person. The provisions of this section shall be made a part of the contract for such employment, and whoever violates the provisions thereof shall be punished by a fine of not more than one hundred dollars for each offence.

Acts of 1909, Chapter 514, Section 93, amended by Acts of 1914, Chapter 566.

**Locked Doors prohibited.** — No outside or inside doors of any building in which operatives are employed shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent free egress. Any person having charge of any such building or of any room thereof, any exit door of which shall be found to be so locked, bolted or otherwise fastened during the hours of labor as to prevent free egress, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

Acts of 1913, Chapter 655, Section 20.

**Case of Only One Egress.** — . . . Women or children shall not be employed, in a factory, workshop, mercantile or other establishment, in a room above the second story from which there is only one egress. . . .

Acts of 1914, Chapter 263.

**Posting Information in Industrial Establishments.** — The state board of labor and industries may require employers to post in conspicuous positions in any place of employment such placards, posters or signs as the said board may issue for the information of employees.

Acts of 1914, Chapter 778.

**Limiting the Issue of Injunctions.** — SECTION 1. It shall not be unlawful for persons employed or seeking employment to enter into any arrangements, agreements or combinations with the view of lessening the hours of labor or of increasing their wages or bettering their condition; and no restraining order or injunction shall be granted by any court of the commonwealth or by any judge thereof in any case between an employer and employees, or between employers and employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment, or any act or acts done in pursuance thereof, unless such order or injunction be necessary to prevent irreparable injury to property or to a property right of the party making the application, for which there is no adequate remedy at law; and such property or property right shall be particularly described in the application, which shall be sworn to by the applicant or by his agent or attorney.

SECTION 2. In construing this act, the right to enter into the relation of employer and employee, to change that relation, and to assume and create a new relation for employer and employee, and to perform and carry on business in such relation with any person in any place, or to do work and labor as an employee, shall be held and construed to be a personal and not a property right. In all cases involving the violation of the contract of em-

ployment either by the employee or employer where no irreparable damage is about to be committed upon the property or property right of either, no injunction shall be granted but the parties shall be left to their remedy at law.

SECTION 3. No persons who are employed or seeking employment or other labor shall be indicted, prosecuted or tried in any court of the commonwealth for entering into any arrangement, agreement, or combination between themselves as such employees or laborers, made with a view of lessening the number of hours of labor or increasing their wages or bettering their condition, or for any act done in pursuance thereof, unless such act is in itself unlawful.

Acts of 1909, Chapter 514, Section 36.

**General Penalty.** — Whoever violates a provision of [chapter 514 of the acts of 1909] for which no specific penalty is provided shall be punished by a fine of not more than one hundred dollars.

## DEFINITIONS.

Acts of 1909, Chapter 514, Section 17, amended by Acts of 1911, Chapter 241, and by Acts of 1912, Chapter 191.

The following words and phrases as used in all laws relative to the employment of labor shall, unless a different meaning is plainly required by the context, have the following meanings:—

“Bleaching works” shall mean any premises in which the process of bleaching yarn or cloth of any material is carried on.

“Child” or “Minor” shall mean a person under eighteen years of age, except that in regard to the compulsory attendance of illiterate minors at day or evening schools, the word “minor” shall mean a person under the age of twenty-one years.

“Dyeing works” shall mean any premises in which the process of dyeing yarn or cloth of any material is carried on.

“Factory” shall mean any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on.

“Glass works” shall mean any premises in which the manufacture of glass is carried on.

“Iron works” shall mean a mill, forge or other premises in or upon which any process is carried on for converting iron into malleable iron, steel or tin plate, or for otherwise making or converting steel.

“Letter press establishments” shall mean any premises in which the process of letter press printing is carried on.

“Manufacturing establishments” shall mean any premises, room or place used for the purpose of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article.

“Mechanical establishments” shall mean any premises, other than a factory as above defined, in which machinery is employed in connection with any work or process carried on therein.

“Mercantile establishments” shall mean any premises used for the purposes of trade in the purchase or sale of any goods or merchandise, and any premises used for the purposes of a restaurant or for publicly providing and serving meals.



“Paper mills” shall mean any premises in which the manufacture of paper is carried on.

“Person” shall mean an individual, corporation, partnership, company or association.

“Print works” shall mean any premises in which is carried on the process of printing figures, patterns or designs upon cotton, linen, woolen, worsted or silken yarn or cloth, or upon any woven or felted fabric which is not paper.

“Woman” shall mean a woman eighteen years of age or over.

“Workshop” shall mean any premises, room or place, which is not a factory as above defined, wherein manual labor is exercised by way of trade or for purposes of gain in or incidental to a process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the persons working therein has the right of access or control; but the exercise of such manual labor in a private house or private room by the family dwelling therein or by any of them or if a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition.

“Young person” shall mean a person of the age of fourteen years and under the age of eighteen years.

(See also Joint Board, page 16.)



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## APPENDIX.

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## AN ACT RELATIVE TO SCHOOL ATTENDANCE AND TO THE EMPLOYMENT OF MINORS.

Acts of 1913, Chapter 779, Section 1, amended by Acts of 1915, Chapter 81 (General).

**School Attendance.** — SECTION 1. Every child between seven and fourteen years of age, every child under sixteen years of age who does not possess such ability to read, write and spell in the English language as is required for the completion of the fourth grade of the public schools of the city or town in which he resides, and every child under sixteen years of age who has not received an employment certificate as provided in this act and is not engaged in some regular employment or business for at least six hours per day or has not the written permission of the superintendent of schools of the city or town in which he resides to engage in profitable employment at home, shall attend a public day school in said city or town or some other day school approved by the school committee, during the entire time the public schools are in session, subject to such exceptions as are provided for in sections four, five and six of this chapter and in section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two, and by chapter five hundred and thirty-seven of the acts of the year nineteen hundred and eleven; but such attendance shall not be required of a child whose physical or mental condition is such as to render attendance inexpedient or impracticable, or who is being otherwise instructed in a manner approved in advance by the superintendent of schools or the school committee. The superintendent of schools, or teachers in so far as authorized by said superintendent or by the school committee, may excuse cases of necessary absence for other causes not exceeding seven day sessions or fourteen half-day sessions in any period of six months. For the purposes of this section, school committees shall approve a private school only when the instruction in all the studies required by law is in the English



language, and when they are satisfied that such instruction equals in thoroughness and efficiency, and in the progress made therein, the instruction in the public schools in the same city or town; but they shall not refuse to approve a private school on account of the religious teaching therein.

Acts of 1913, Chapter 779, Section 2, amended by Acts of 1915, Chapter 81 (General).

**Obligations of Parents and Guardians.**—SECTION 2. Every person having under his control a child as described in section one shall cause him to attend school as therein required, and, if he fails for seven day sessions or fourteen half-day sessions within any period of six months while such control obtains, to cause such child so to attend school, he shall, upon complaint by an attendance officer and conviction thereof, be punished by a fine of not more than twenty dollars, and no physical or mental condition which is capable of correction, or which renders the child a fit subject for special instruction at public charge in institutions other than public day schools, shall avail as defence under the provisions of this or the preceding section, unless it shall be made to appear that the defendant has employed all reasonable measures for the correction of the condition and the suitable instruction of the child.

Whoever induces or attempts to induce a child to absent himself unlawfully from school, or employs or harbors a child while school is in session, shall be punished by a fine of not less than ten nor more than fifty dollars.

Acts of 1913, Chapter 779.

**Right of Child to Education.**—SECTION 3. Every child shall have a right to attend the public schools of the city or town where he actually resides, subject to the provisions of section four of this chapter, and to such reasonable regulations as to numbers and qualifications of pupils to be admitted to the respective schools and as to other school matters as the school committee shall from time to time prescribe. No child shall be excluded from a public school of any city or town on account of race, color or religion.

Acts of 1913, Chapter 779, Section 4, amended by Acts of 1915, Chapter 78 (General).

**Duty of School Committee — Tuition.** — It shall be the duty of the school committee of each city or town to provide for the attendance of all children of school age resident therein and to enforce the same under the provisions of section one of this chapter. But if a child who is required by the provisions of said section one to attend school resides temporarily in a city or town other than that of the legal residence of his parent or guardian for the especial purpose of attending school there in preference to the place of such legal residence, the said city or town may, for the tuition of such child during the period of such attendance, recover from the parent or guardian, whether he resides within or without the commonwealth, a sum equal to the average expense per pupil of such school for that period, unless under the provisions of section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two, and by chapter five hundred and thirty-seven of the acts of the year nineteen hundred and eleven, or of section five of chapter forty-four of the Revised Laws, such tuition is recoverable from the city or town in which the parent or guardian resides.

A child who is not required by the provisions of section one of this chapter to attend school may, in the discretion of the school committee, be required as a condition of admission to a school in a city or town other than that in which his parent or guardian has a legal residence, to pay as tuition a sum equal to the average expense per pupil in the school which such child seeks to enter, the same to be paid annually, semi-annually or at other periods in advance as the school committee may determine.

For the tuition in the public schools in any city or town of any child between the ages of five and fifteen years who shall be placed elsewhere than in his own home by the state board of charity, or by the trustees of the Massachusetts training schools, or kept under the control of either of said boards in such city or town, the commonwealth shall pay to said city or town, and for such tuition of any such child so placed by the trustees for children of the city of Boston, or so kept under the control of

said trustees, the city of Boston from its appropriation for school purposes, shall pay to said city or town seventy-five cents for each week of five days, or major part thereof, of attendance of every such child in the public schools.

For the transportation to and from a public school of any child whose tuition is payable by the commonwealth or by the city of Boston under the provisions of this section, the commonwealth or the city of Boston, as the case may be, shall pay to the city or town furnishing such transportation, for each week of five days or major part thereof, an amount equal to the average amount for each child paid by said city or town per week for the transportation of children to and from school over the route by which such child is conveyed. Settlements of the accounts of the several cities and towns with the commonwealth and with the city of Boston shall be made annually on the first day of April, and the amounts found due shall be paid within three months thereafter. The money received by said cities and towns under the provisions of this section shall be applied to the support of schools. For the tuition in the public schools in any town of less than ten thousand inhabitants of any child between the ages of five and fifteen years not theretofore resident in such town, who is an inmate of an institution containing more than six inmates, such town may recover from said institution the additional school expense incurred, as may be determined jointly by the school committee of said town and the trustees or managers of said institution, or, in case of disagreement between said school committee and said trustees or managers, as may be decreed by the probate court; but no demand shall be made upon said trustees or managers without a vote of the town instructing the school committee to that effect.

**County Training Schools.** — SECTION 5. The county commissioners of each county, except the counties of Barnstable, Berkshire, Franklin, Hampshire, Dukes County and Nantucket, shall maintain either separately or jointly with the commissioners of other counties as hereinafter provided, in a suitable place, not at or near a penal institution, a school for the instruction and training of children committed thereto as habitual truants, absentees or school offenders. The county commissioners of two or

more counties may, at the expense of said counties, establish and maintain a union school which shall be organized and controlled by the chairmen of the county commissioners of said counties. The chairmen of the respective boards of county commissioners of the counties of Norfolk, Bristol and Plymouth, having the management of the Norfolk, Bristol and Plymouth union training school, shall each be paid the sum of one hundred dollars annually by said counties, respectively. The county commissioners of the counties of Barnstable, Berkshire, Franklin, Hampshire, Dukes County and Nantucket shall assign a training school established by law as the place for the instruction and training of children committed within their respective counties as habitual truants, absentees or school offenders, and shall pay for their support in said school such reasonable sum as the county commissioners having control of said school may determine. For the purposes of this chapter the parental school of the city of Boston shall be deemed the county training school of the county of Suffolk, and commitments from the towns of Revere and Winthrop and the city of Chelsea shall be to the training school for the county of Middlesex.

The city or town from which an habitual truant, absentee or school offender is committed to a county training school shall pay to the county within which it is situated one dollar a week toward his support, and reports of the condition and progress of its pupils in said school shall be sent each month to the superintendent of schools of such city or town; but the towns of Revere and Winthrop and the city of Chelsea shall pay to the county of Middlesex, for the support of each child committed to the training school of said county, two dollars and fifty cents a week, and such additional sums for each child as will cover the actual cost of maintenance.

**Habitual Truants.** — SECTION 6. A child between seven and sixteen years of age who wilfully and habitually absents himself from school contrary to the provisions of section one of chapter forty-four of the Revised Laws, as amended, shall be deemed to be an habitual truant, and, unless placed on probation as provided in section seven of this chapter, may, upon complaint by an at-



tendance officer and conviction thereof, be committed to a county training school.

**Habitual Absentees.** — SECTION 7. A child between seven and sixteen years of age who may be found wandering about in the streets or public places of any city or town, having no lawful occupation, habitually not attending school and growing up in idleness and ignorance, shall be deemed to be an habitual absentee, and, unless placed on probation as provided in section seven of said chapter forty-six may, upon complaint by an attendance officer or any other person, and conviction thereof, be committed to a county training school.

**Habitual School Offenders.** — SECTION 8. A child under sixteen years of age who persistently violates the reasonable regulations of the school which he attends, or otherwise persistently misbehaves therein, so as to render himself a fit subject for exclusion therefrom, shall be deemed to be an habitual school offender, and, unless placed on probation as provided in section seven of said chapter forty-six may, upon complaint by an attendance officer and conviction thereof, be committed to a county training school.

**Cost of Commitment.** — SECTION 9. The court or magistrate by whom a child has been committed to a county training school may make an order relative to the payment by his parents to the county of the cost of his support while in said school, and may from time to time revise and alter such order or make a new order as the circumstances of the parents may justify.

**Parole from Training Schools.** — SECTION 10. County commissioners, if they think it will be for the best interest of any child who has been committed to a county training school under their control, after notice and an opportunity to be heard has been given to the superintendent of schools, or, if there is no superintendent, to the school committee of the city or town from which such child was committed to said school, may permit him to be at liberty upon such conditions as said commissioners may deem best; or, with the approval of the court which imposed the sentence, they may discharge him from said school; and upon such parole or discharge they shall make an entry upon their records of the name of such child, the date of parole or discharge and the reason there-



for; and a copy of such record shall be transmitted to the court or magistrate by whom such child was committed and to the school committee of the city or town from which he was committed.

If such child, in the opinion of said commissioners, violates the conditions of his parole at any time previous to the expiration of the term for which he was committed to said school, such parole may be revoked. If a superintendent of schools or a school committee furnishes evidence satisfactory to said commissioners of the violation by a child of the conditions of his parole, said commissioners shall revoke such parole, and may thereupon issue an order directed to the attendance or police officers of any city or town to arrest such child wherever found and return him to said school. Such officer shall arrest such child and return him to said school, where he shall be held, subject to the provisions of this chapter, for the residue of the term of the original sentence.

The expense of such arrest and return, so far as approved by the commissioners, shall be paid by the county or counties maintaining said school. A child who has been committed to a county training school, whether he be confined at the county training school or be on parole as provided in this section, shall be discharged from the custody and care of such school upon his becoming sixteen years of age. Releases from the parental school of the city of Boston shall be governed by the provisions of chapter five hundred and fourteen of the acts of the year eighteen hundred and ninety-six, and shall be made by the trustees for children who shall have and exercise the powers given by said chapter to the institutions commissioner of said city.

**Commitment of Gross Offenders.** — SECTION 11. An inmate of a county training school or of the parental school of the city of Boston who persistently violates the reasonable regulations thereof, or is guilty of indecent or immoral conduct, or otherwise grossly misbehaves, so as to render himself an unfit subject for retention therein, may, upon complaint by the officer in control of said school and conviction thereof, if under fifteen years of age, be committed to the Lyman school for boys; if over fifteen years of age, to the industrial school at Shirley. If a girl who is committed to the custody of the state board of charity under sections three, four or five of this chapter, proves unmanageable

in a private family, she may be committed, by the state board of charity, to the state industrial school for girls.

**Powers and Duties of Attendance Officers.** — SECTION 12. Attendance officers shall inquire into all cases arising under the provisions of sections one, two, three, four and six of chapter forty-four and sections three, four, five and eight of this chapter, or of sections sixty-one, sixty-two, sixty-three or sixty-six of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, and may make complaints and serve legal processes issued under the provisions of this chapter. They shall have oversight of children placed on probation under the provisions of section seven; of children suffering want to whom the provisions of chapter three hundred and fifty-six of the acts of the year nineteen hundred and four apply; of minors licensed by the school committee under the provisions of chapter four hundred and nineteen of the acts of the year nineteen hundred and ten, and subsequent amendments thereof; and of children admitted to or attending shows or entertainments contrary to the provisions of chapter five hundred and thirty-two of the acts of the year nineteen hundred and ten. An attendance officer may apprehend and take to school without a warrant any truant or absentee found wandering about in the streets or public places.

SECTION 13. The officers hitherto known as truant officers shall hereafter be known as attendance officers, and all laws now or hereafter in force relative to truant officers shall apply to attendance officers.

Acts of 1913, Chapter 779, Section 14, amended by Acts of 1913, Chapter 831, Section 1.

**Employment of Minors under Fourteen.** — No minor under fourteen years of age shall be employed or permitted to work in or about or in connection with any factory, workshop, manufacturing, mechanical or mercantile establishment, barber shop, bootblack stand or establishment, public stable, garage, brick or lumber yard, telephone exchange, telegraph or messenger office or in the construction or repair of buildings, or in any contract or wage-earning industry carried on in tenement or other houses. No minor under fourteen years of age shall be employed at work performed for wage or other compensation, to whomsoever pay-

able, during the hours when the public schools are in session or shall be employed at work before half-past six o'clock in the morning or after six o'clock in the evening.

Acts of 1913, Chapter 779, Section 14, amended by Acts of 1913, Chapter 831, Section 2

**Employment of Minors under Sixteen.**—No minor under sixteen years of age shall be employed or permitted to work in operating or assisting in operating any of the following machines: (1) circular or band saws, (2) wood shapers, (3) wood jointers, (4) planers, (5) picker machines or machines used in picking wool, cotton, hair or any other material, (6) paperlace machines, (7) leather burnishing machines, (8) job or cylinder printing presses operated by power other than foot power, (9) stamping machines used in sheet metal and tinware or in paper or leather manufacturing or in washer and nut factories, (10) metal or paper cutting machines, (11) corner staying machines in paper box factories, (12) corrugating rolls such as are used in corrugated paper or in roofing, or washboard factories, (13) steam boilers, (14) dough brakes or cracker machinery of any description, (15) wire or iron straightening or drawing machinery, (16) rolling mill machinery, (17) power punches or shears, (18) washing or grinding or mixing machinery, (19) calendar rolls in paper and rubber manufacturing or other heavy rolls driven by power, (20) laundering machinery, (21) upon or in connection with any dangerous electrical machinery or appliances.

Acts of 1913, Chapter 779, Section 14, amended by Acts of 1913, Chapter 831, Section 3.

No minor under sixteen years of age shall be employed or permitted to work in any capacity in adjusting, or assisting in adjusting any hazardous belt to any machinery, or in oiling or cleaning hazardous machinery, or in proximity to any hazardous or unguarded belts, machinery or gearing while such machinery or gearing is in motion; nor on scaffolding; nor in heavy work in the building trades; nor in stripping, assorting, manufacturing or packing tobacco; nor in any tunnel; nor in a public bowling alley; nor in a pool or billiard room.

Acts of 1913, Chapter 779, Section 14, amended by Acts of 1913, Chapter 831, Section 4.

The state board of labor and industries may from time to time, after a hearing or hearings duly held, determine whether or not any particular trade, process of manufacture or occupation in which the employment of minors under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous or is sufficiently injurious to the health or morals of minors under sixteen years of age to justify their exclusion therefrom. No minor under sixteen years of age shall be employed or permitted to work in any trade, process or occupation thus determined to be dangerous or injurious to such minors.

Acts of 1913, Chapter 779.

**Employment Certificates.** — SECTION 15. No child between fourteen and sixteen years of age shall be employed or be permitted to work in, about or in connection with any factory, workshop, manufacturing, mechanical or mercantile establishment unless the person, firm or corporation employing such child procures and keeps on file accessible to the attendance officers of the city or town, to agents of the board of education, and to the state board of labor and industries or its authorized agents or inspectors, the employment certificate as hereinafter provided issued to such child, and keeps a complete list of the names and ages of all such children employed therein conspicuously posted near the principal entrance of the building in which such children are employed: *provided, however*, that children who are over fourteen but under sixteen years of age shall be permitted to work in mercantile establishments on Saturdays between the hours of seven in the morning and six in the evening, without such certificate. On termination of the employment of a child whose employment certificate is on file, said certificate shall be returned by the employer within two days after said termination to the office of the superintendent of schools from which it was issued.

**Issuance of Employment Certificates.** — SECTION 16. An employment certificate shall be issued only by the superintendent of schools or by a person authorized by him in writing, or, where

there is no superintendent of schools, by a person authorized in writing by the school committee, of the city or town where the child to whom it is issued resides during his employment, or in case the child resides outside the commonwealth, of the city or town in which the child is to be employed: *provided*, that no member of a school committee or other person authorized as aforesaid shall have authority to issue such certificate for any child then in, or about to enter, such person's own employment or the employment of a firm or corporation of which he is a member, officer or employee.

The person issuing employment certificates shall in each case, before issuing a certificate, receive, examine, approve and file the following papers, duly executed:—

(1) A pledge or promise signed by the employer or by an authorized manager or superintendent, setting forth the character of the employment, the number of hours per day during which the child is to be regularly employed and the name and address of the employer, in which pledge or promise the employer agrees to employ the child in accordance with the provisions of this act, and to return the employment certificate as provided in section fifty-seven.

(2) The school record of such child, properly filled out and signed as hereinafter provided.

(3) A certificate signed by a school or family physician, or by a physician appointed by the school committee, stating that the child has been thoroughly examined by said physician and, in his opinion, is in sufficiently sound health and physically able to perform the work which the child intends to do.

(4) Evidence of age showing that the child is fourteen years of age, which shall consist of one of the following proofs of age:

(a) A birth certificate, or a duly attested transcript thereof, made by a registrar of vital statistics or other officer charged with the duty of recording births.

(b) A baptismal certificate, or a duly attested transcript thereof, showing the age and date of baptism of the child.

(c) In case none of the aforesaid proofs of age is obtainable, and only in such case, the person issuing employment certificates may accept in lieu thereof a passport or a duly attested immigra-



tion record, or transcript thereof, showing the age of the child, or other official or religious record of the child's age: *provided*, that it shall appear to the satisfaction of said person that the same is good and sufficient evidence of the child's age.

(d) In case none of the aforesaid proofs of age is obtainable, and only in such case, the person issuing employment certificates may accept in lieu thereof a record of age as given on the register of the school which the child first attended in the commonwealth: *provided*, that such record was kept for at least two years during the time when such child attended school.

(e) In case none of the aforesaid proofs of age is obtainable, and only in such case, the person issuing employment certificates may receive the signed statement of the school physician, or of the physician appointed by the school committee, stating that, after examination, it is the opinion of such physician that the child is at least fourteen years of age. Such physician's statement shall be accompanied by a statement signed by the child's parent, guardian or custodian, or in case such child has no parent, guardian or custodian, the signed statement of the next adult friend. Such signed statement shall contain the name, date and place of birth and residence of the child, and shall certify that the parent, guardian, custodian or next friend signing the statement is unable to produce any of the proofs of age specified in this section. Such statement shall be signed in the presence of the person issuing employment certificates by the parent, guardian, custodian, or next friend. The person issuing employment certificates may, before issuing a certificate, require the parent, guardian, custodian, or next adult friend of the child to appear and approve in writing the issuance of said certificate.

Acts of 1913, Chapter 779, Section 17, amended by Acts of 1914, Chapter 580.

**School Records.** -- SECTION 17. The school record required by section sixteen of this act shall be filled out and signed by the principal or teacher in charge of the school which the child last attended and shall be furnished only to a child who, after due examination and investigation, is found to be entitled thereto. Said school record shall state the grade last completed by such child and the studies pursued in completion thereof. It shall

state the number of weeks during which such child has attended school during the twelve months next preceding the time of application for said school record. It shall also give the name, date of birth, and the residence of the child as shown on the records of the school and the name of the parent, guardian or custodian. In case it is found to be impossible to obtain said school record from the principal or teacher in charge of the school which such child last attended, the requirement of a school record may be waived.

No such school record shall be issued or accepted and no employment certificate shall be granted unless the child possesses the educational qualifications enumerated in section one of chapter forty-four of the Revised Laws as amended by section one of this act.

No such school record shall be issued or accepted unless the child has regularly attended the public schools or other lawfully approved schools for not less than one hundred and thirty days after becoming thirteen years of age: *provided, however*, that the school record may be accepted in the case of a person who has been an attendant at a public day school or other lawfully approved school for a period of not less than seven years, if in the opinion of said superintendent such person is mentally incapable of acquiring the educational qualifications herein prescribed; and *provided, further*, that the superintendent of schools shall have authority to suspend this requirement in any case when, in his opinion, the interests of the child will best be served by such suspension.

Acts of 1913, Chapter 779.

**Contents of Employment Certificates.** — SECTION 18. The employment certificate required by this act shall state the name, sex, date and place of birth and the place of residence of the child and describe the color of the hair and eyes and any distinguishing facial marks of the child. It shall certify that the child named in such certificate has personally appeared before the person issuing the certificate and has been examined and found to possess the educational qualifications enumerated in section one of chapter forty-four of the Revised Laws, as amended

by section one of this act, and that all the papers required by section fifty-eight have been duly examined, approved and filed and that all the conditions and requirements for issuing an employment certificate have been fulfilled. It shall state the grade last completed by said child. Every such certificate shall be signed in the presence of the person issuing the same by the child in whose name it is issued. It shall state the name of the employer for whom, and the nature of the employment in which, the certificate authorizes the child to be employed. It shall bear a number, show the date of its issue and shall be signed by the person issuing it. No fee shall be exacted for an employment certificate or for any of the papers required by this act. Duplicate employment certificates shall not be issued until it shall appear to the satisfaction of the person authorized to issue certificates that the original certificate has been lost. A record giving all the facts contained on every employment certificate issued shall be filed in the office issuing the same, together with the papers required by section fifty-eight as amended. A record shall also be kept of the names and addresses of all children to whom certificates have been refused, together with the names of the schools which said children should attend and the reasons for refusal. All the aforesaid records and papers shall be preserved until such children, if living, shall have become sixteen years of age. Such records and statistics concerning the issuance of employment certificates as may be prescribed by the board of education shall be kept and shall be open to the inspection of said board, its officers or agents. The blank certificates and other papers required in connection with the issuing of employment certificates and educational certificates under this act shall be designed by and furnished to the local school committees by the state board of labor and industries after conference with the board of education, and the approval of the forms thereof by the attorney-general. Said certificates and papers may bear such further and explanatory matter as may be needed to facilitate the enforcement of this act or to comply with future legislative requirements.

Acts of 1913, Chapter 779, Section 19, amended by Acts of 1915, Chapter 70 (General).

**Penalty for Illegal Employment.**—Whoever employs a person under the age of sixteen years, and whoever procures or, having under his control a person under sixteen years of age, permits such person to be employed in violation of the provisions of sections fifty-six or fifty-seven of this act, shall for each offence be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment for not more than thirty days; and whoever continues to employ a person under sixteen years of age in violation of the provisions of either of said sections, after being notified thereof by a school attendance officer or by an inspector appointed by the state board of labor and industries, shall for every day thereafter while such employment continues be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than sixty days; and whoever forges, or procures to be forged, or assists in forging a certificate of birth or other evidence of the age of such person, and whoever presents or assists in presenting a forged certificate or evidence of birth to the superintendent of schools or to a person authorized by law to issue certificates, for the purpose of fraudulently obtaining the employment certificate required by this act, shall be punished by a fine of not less than ten nor more than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. Whoever, being authorized to sign an employment certificate, knowingly certifies to any materially false statement therein shall be punished by a fine of not less than ten nor more than two hundred dollars. Whoever, without authority, alters an employment certificate after the same is issued shall be punished by a fine of ten dollars.

Acts of 1913, Chapter 779.

**Powers and Duties of Attendance Officers and of Industrial Inspectors.**—SECTION 20. Attendance officers may visit the factories, workshops, manufacturing, mechanical and mercantile establishments, theatres, and places of public exhibition in their several cities and towns and ascertain whether any children



are employed therein contrary to the provisions of this act and shall report in writing any cases of such illegal employment to the superintendent of schools or the school committee and to the state board of labor and industries or its authorized officers or agents. Inspectors appointed by the state board of labor and industries shall visit all factories, workshops, manufacturing, mechanical and mercantile establishments within their respective districts, and ascertain whether any children are employed therein contrary to the provisions of this act, and shall enter complaint against whomever is found to have violated any of said provisions. An inspector who knowingly or wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars.

SECTION 21. An attendance officer shall apprehend and take to school, without a warrant, any child under the age of twenty-one years who is employed in any factory, workshop, manufacturing, mechanical or mercantile establishment in violation of the provisions of this act, or who is employed in any theatre or place of public exhibition contrary to the provisions of this act, and such attendance officer shall forthwith report to the police, district or municipal court or trial justice within whose judicial district the illegal employment occurs, the evidence in his possession relating to the illegal employment of any child so apprehended, and shall make complaint against whomever the court or trial justice may direct. An attendance officer who knowingly and wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars for each offence.

SECTION 22. Inspectors appointed by the state board of labor and industries, agents of the board of education and attendance officers may require that the employment or educational certificates and lists of children who are employed in factories, workshops, manufacturing, mechanical or mercantile establishments shall be produced for their inspection. A failure to produce to any person authorized by this section who requests the same an employment or educational certificate or list required by law shall be prima facie evidence of the illegal employment of any person whose certificate is not produced or whose name is not so listed.



A corporation or other employer, or any agent or officer thereof, who retains an employment or educational certificate in violation of the provisions of this act shall be punished by a fine of not less than ten nor more than one hundred dollars.

**Educational Certificates.** — SECTION 23. No child who is over sixteen and under twenty-one years of age shall be employed in a factory, workshop, manufacturing, mechanical or mercantile establishment unless his employer procures and keeps on file an educational certificate showing the age of the child and his ability or inability to read and write as hereinafter provided. Such certificates shall be issued by the person authorized by this act to issue employment certificates.

The person authorized to issue such educational certificates shall, so far as is practicable, require the proof of age stated in section fifty-eight. He shall examine the child and certify whether or not he possesses the educational qualifications enumerated in section one of chapter forty-four of the Revised Laws, as amended. Every such certificate shall be signed in the presence of the person issuing the same by the child in whose name it is issued.

Every employer of such children shall keep their educational certificates accessible to any officer authorized to enforce the provisions of this act and shall return said certificates to the office from which they were issued within two days after the date of the termination of the employment of said children. If the educational certificate of any child who is over sixteen and under twenty-one years of age fails to show that said child possesses the educational qualifications enumerated in section one of chapter forty-four of the Revised Laws, as amended, then no person shall employ such child while a public evening school is maintained in the city or town in which the child resides, unless such child is a regular attendant at such evening school or at a day school, and presents to his employer each week a school record of such attendance. When such record shows unexcused absences, such attendance shall be deemed to be irregular and insufficient. The person authorized to issue educational certificates, or teachers acting under his authority, may, however, excuse justifiable absence. Whoever employs a child in violation of the provisions of this section shall forfeit not more than one hundred dollars for each

offence, to the use of the evening schools of such city or town. A parent, guardian or custodian who permits a child to be employed in violation of the provisions of this section shall forfeit not more than twenty dollars, to the use of the evening schools of such city or town.

**Industrial Schools excepted.** — SECTION 24. Nothing in this act shall be construed to prevent children of any age from receiving manual training or industrial education in, or in connection with, any school in this commonwealth: *provided*, that the same has been duly approved by the local school committee or by the board of education.

**Repeal.** — SECTION 25. Chapter three hundred and eighty-nine of the acts of the year nineteen hundred and six and chapter three hundred and ten of the acts of the year nineteen hundred and eleven and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

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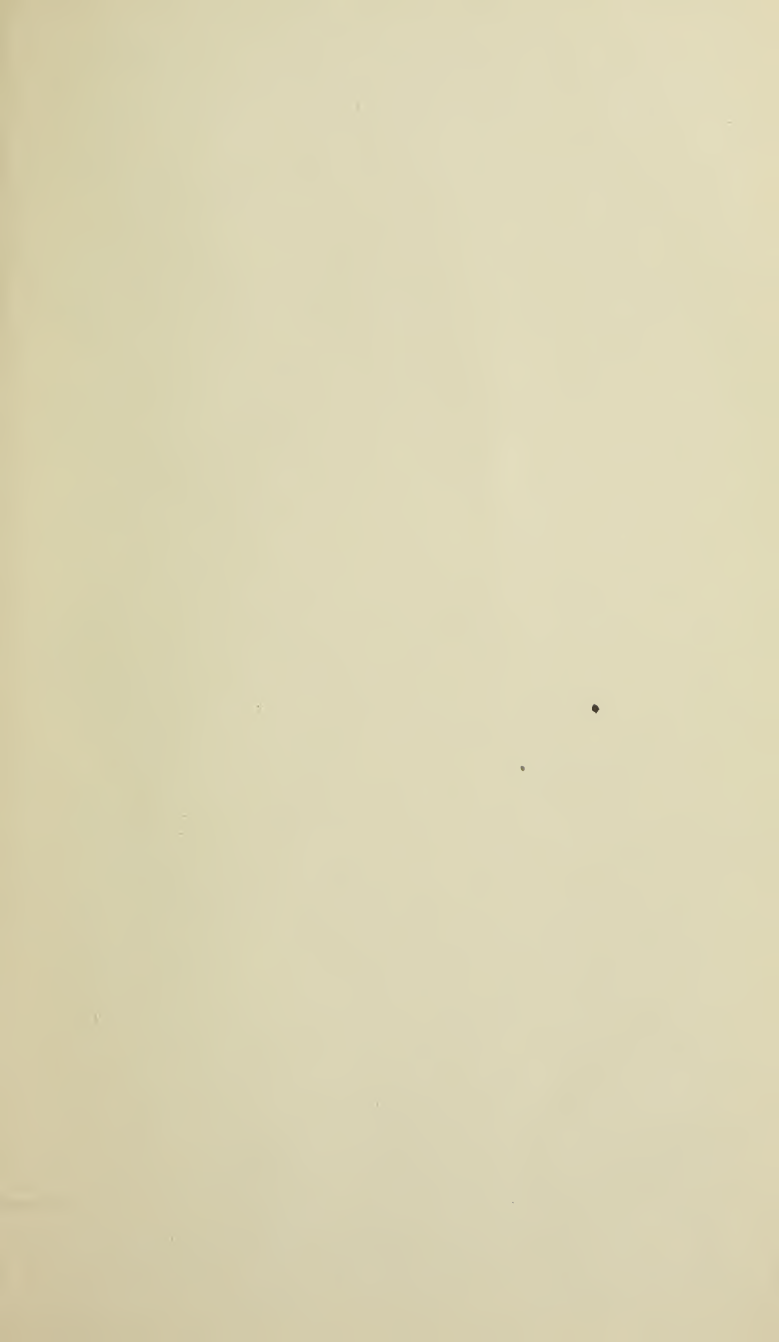
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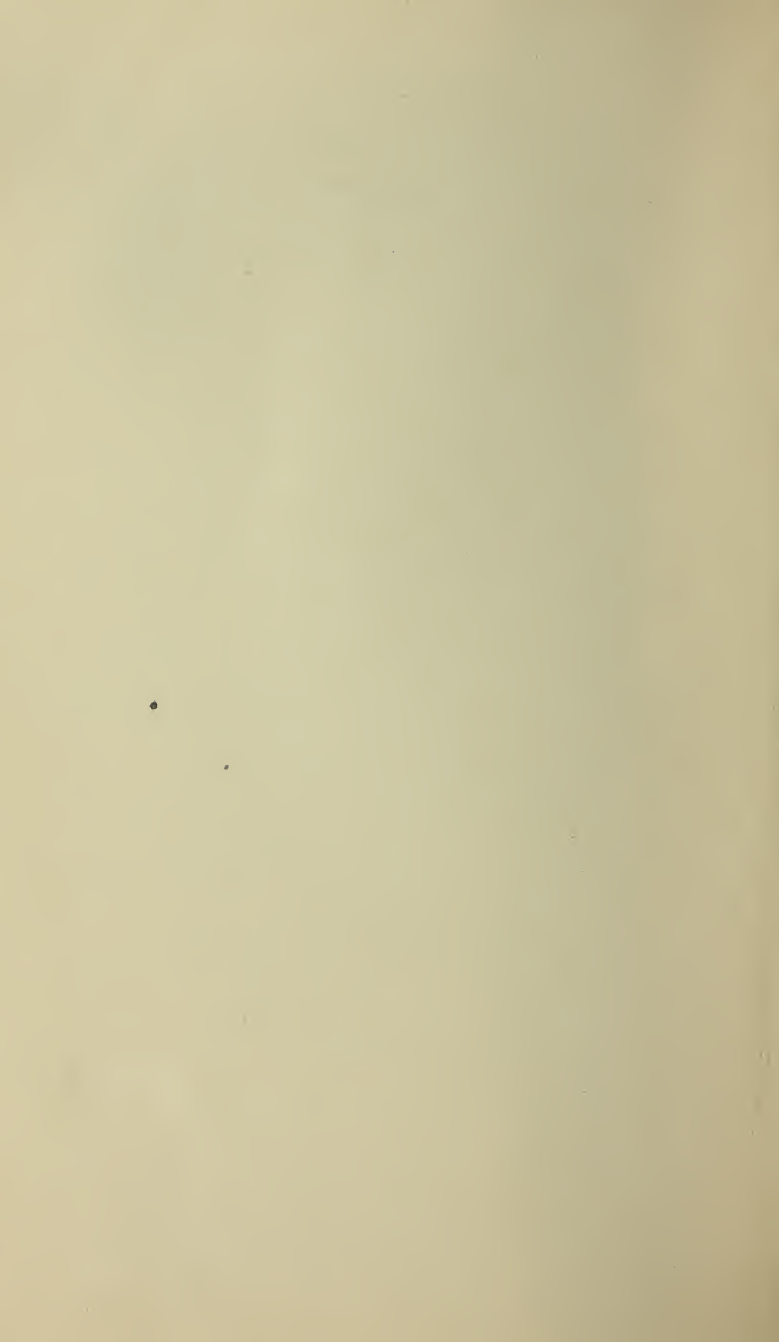
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